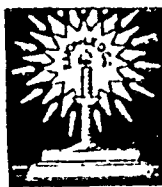


Towards Indian Independence

Edited by —

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The **National**

PUBLISHERS & STATIONERS (India) LTD.
ANARKALI, LAHORE.

WORLD BOOK CENTRE
B 516 Rana Partap Bagh
Delhi 7

To My Friend ,

COMRADE RAM CHANDRA B.A., (National)

IN
ADMIRATION & AFFECTION.

First Published July 1946.

If you want to know when our new publications are out, please inform us of your permanent address and we will put you on our mailing list.
—Publishers.

Published by Mr. J. R. Berry for the Kasturba Memorial Publications and printed by him at the Berry Printing Works, Lahore.

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Towards Indian Independence

INTRODUCTION

After the failure of the first attempt in 1857 to make India free from the British domination, the reins of the Government of British India were taken over by the Crown. The Government of India Act of 1935 was the last of a series of measures that had been adopted by the British parliament towards the fulfilment of a policy, regarding the attainment of self government by Indians, laid down in 1917 when after the first great war Lord Chelmsford and Lord Montague submitted their joint report. Though the Provincial Autonomy had been in operation, the dream of federated Central Government could not be realised because the Indian National Congress—the biggest political organisation opposed it. When the second world war broke and in 1939 there were seven Congress Ministries which had held office for more than two years. They had to resign because the Congress and the Government could not come to terms on the question of the prosecution of war. In 1940, when the session of the All-India Muslim League was held at Lahore under the presidency of Mr. M. A. Jinnah, a resolution was adopted which declared Pakistan, the goal and the policy of the League. The propaganda carried on by Mr. M. A. Jinnah and his followers made it a live issue. Two years later, when the Japanese armies were advancing towards India and the whole structure of the British Empire in Asia was in the imminent danger of meeting its doom, the British Government was forced to make the first of its two war period attempts for an interim settlement by what has come to be known as the Cripps Offer. Though the leaders of the public opinion in India, were in right earnest for a solution of the problem, the British Government and its representatives in India—Sir Stafford Cripps and Lord Linlithgow—could not agree to the minimum demands put

forth by Indians. The mission proved a failure. The same fate met the second attempt which Lord Wavell made, when after releasing the Congress leaders, who were put behind the prison bars when the 'Quit India' resolution was passed in August 1942, he held consultations in Simla in June 1945, after the overthrow of Germany, but before the final defeat of Japan. It was because the reactionary Government of Mr. Churchill could not agree to transfer real power to the representatives of the people of India, nor could they forego their policy of divide and rule which had proved a prop for them during all these years of stress and strain in India. In spite of the best intentions Lord Wavell could not succeed in his attempt to rope in the Indian leaders in an interim Government which he wanted to establish at the Centre. The new Executive Council was to contain equal number of cast Hindus and Muslims. "The Conference began in an atmosphere of optimism. Congress made a generous gesture by agreeing to the proposed fifty representation, and by waiving their objection to their party being represented exclusively by cast Hindus when it includes members of all communities. Mr. Jinnah was less co-operative. He refused to submit a list of names unless he could be assured that all the Muslims to be selected would be Muslim Leaguers. It was in effect on the offer of one place to a Muslim member of the Punjab Unionist party that Simla Conference failed. No one can tell what would have been the sequence of events if Lord Wavell had decided to form a new Council with or without Mr. Jinnah's co-operation."

The breakdown once again renewed the 'old suspicions of British sincerity towards granting India her birth-right of complete independence. It caused deep distrust and frustration among even the masses of India. Though the General Elections in England had resulted in the fall of Mr. Churchill and a Labour Government had been formed, the Indian leaders were not sanguine about a change in the attitude of the British Government so far as India was concerned. But it goes to Lord

* Wrote Lady Hartog in the *Contemporary Review* of April, 1946.

Wavell's credit, that he did not relax his efforts. He announced fresh election for the Central and Provincial Legislatures. With a view to have consultations with the British Cabinet, he once again visited London. In September, an announcement was made that immediately after the election, an effort would be made again to form an Executive Council from the main parties. It was also stated that steps would be taken for the convening of a constitution-making body which will consist of the representatives of the States and British India. The British Prime Minister in his broadcast throwing more light on the treaty that would be formed between Great Britain and India, gave an assurance that in this treaty Britain would not seek to provide anything which would be incompatible with the interests of India.

In the meanwhile the elections were held in India. In the Central Legislature, the Congress Party won the the greatest number of seats. In the provinces, it had clear majority in eight provinces out of eleven. In the Punjab, it joined a coalition with the Unionist Party and formed a government. In the provinces of Bengal and Sind, the Muslim League was able to form ministries only with the help of the European members. While the Congress fought elections on the principle and Slogan of "Quit India" resolution, the Muslim League adopted "Pakistan" as its election slogan. Mr. Jinnah's stunt could not be fool all the Muslims and his league was unable to gain a success for which he had hoped.

Here it may be mentioned that a Parliamentary Delegation visited India in January 1946. Perhaps it reported that the situation in India was desperate, because only such a contingency could goad the British Government towards intensifying their effort for a settlement of the Indian question. Mr. Godfrey Nicholson who was a member of this delegation, on his return to England in a speech delivered at a meeting of the East India Association held at Caxton Hall, Westminster on the 13th of March said ? "we had no terms of reference whatever, we were sent out on the understanding that our mission was two

fold ; first, to carry a message of goodwill from Parliament to India ; and, secondly, to inform ourselves of the situation. We were not asked the bring back as a result of our five-weeks visit a complete solution of all India's problems and offer it to the Cabinet? I think we achieved some measure of success in our mission of goodwill. We had the kindest reception, alike from political friends and critics, from Indians and Europeans. I felt myself and I think my colleagues felt that the tone of the press noticeably improved during our visit. We tried, of course, to convince India as a whole of the sincerity of Great Britain, and there, again, I believe, we did some good. As to informing ourselves about India, time alone can show what fruit that will bear. I certainly learned a great deal...India has made the most enormous progress during the last eleven years."

Three British Cabinet Ministers are going to India to discuss with leaders of Indian opinion the framing of an Indian constitution. They are Lord Pethick Lawrence, Secretary for India, Sir Stafford Cripps, President of the Board of trade, and Mr. Albert Alexander, First Lord of the Admiralty." This was officially announced in the Lords on February 19 by Lord Pethick-Lawrence, who said: The House will recall that in September, 1945, on his return to India, after discussions with the British Government, the Viceroy made a statement of policy, in the source of which he outlined the positive steps to be taken immediately after the Central and Provincial elections to promote, in conjunction with leaders of Indian opinion early realisation of full self-Government in India.

Those steps include:

First, preparatory discussions with elected representatives of British India and with Indian States, in order to secure the widest measure of agreement as to the method of framing a constitution.

Second, the setting up of a constitution making body and Third, the bringing into being of an Executive Council having the support of the main Indian parties.

Elections at the Centre were held at the end of last year and in some of the provinces they are also over and responsible governments are in the process of formation. In other provinces polling dates are spread over the next few weeks. With the approach of the end of the electoral campaign, the British Government have been considering the most fruitful method of giving effect to the programme, to which I have referred.

In view of the paramount importance, not only to India and to the British Commonwealth but to the peace of the world, of a successful outcome of discussions with leaders of Indian opinion, the British Government have decided, with the approval of His Majesty the King to send out to India a special mission of Cabinet Ministers, consisting of the Secretary of State for India (Lord Pethick-Lawrence,) the President of the Board of Trade (Sir Stafford Cripps) and the First Lord of the Admiralty (Mr. A. V. Alexander) to act in association with the Viceroy in this matter.

This decision has full concurrence of Lord Wavell.

I feel sure that the House will give its support and goodwill to the Ministers and the Viceroy in carrying out a task, in which the future of 400,000,000 people and crucial issues, both for India and the world will be at stake.

During the absence of these Ministers, the Prime Minister will himself assume responsibility for Admiralty business and the Lord President (Mr. Herbert Morrison) will be incharge of the Board of Trade.

So far as India and Burmese Officers are concerned, the Parliamentary Under-Secretary of State (Major Arthur Henderson) will be incharge during my own absence but he will be able to rely upon the personal advice of the Prime Minister, whenever it is required, and, he will refer important issues to him, particularly those affecting Burma, where the Government will not like the Viceroy be in personal touch with myself."

Lord Viscount Simon (Liberal) said that all joined in the hope that this plan might bear fruit and that India would regard as proof of the genuine desire of this country to help towards a solution of her intractable constitutional problems.

Government could be assured of the goodwill of the opposition "in this bold effort to bring about a happier state of things in India."

Viscount Samuel (Liberal) welcomed this fresh effort to break the persistent deadlock. He hoped that the strong initiative now being taken by the Government would elicit some helpful response from the contending interests in India. The Viceroy commanded a very general measure confidence and it was to be hoped that he would find his hands strengthened by this delegation so that the objects he had so long had in view might be forwarded.

Lord Pethick-Lawrence, replying, said that the announcement did not alter statement made by the Viceroy in September about framing a constitution for India. The Viceroy's hand would be strengthened by the presence of members of the Government.

It remained the intention of the British Government that it was, for the Indians to decide the basis of their own constitutional structure. The mission would stay no longer than was vitally necessary but there was no desire that it should return with its work only half-done.

The mission would act as representative of the Cabinet in India and carry the authority of the Cabinet. No doubt when it went, it would be given certain specific instructions of discretion and the general purpose of its procedure.

As far as he could commit himself at the moment, he did not think the proposals would be out of the normal constitutional procedure. The mission, were not going to override the Viceroy. They would be associated with him.

Their presence in India would not alter the substantive relationship between the Cabinet and the Viceroy. He would verify whether his presence in India as Secretary of State altered that fact. He understood that there would have to be a definite treaty between this country and India.

Lord Pethick-Lawrence said the dominions had been informed. He would not like to be too specific about the precise nature of the Executive Council referred to in the announcement. It was hoped to base the Viceroy's Executive Council during the period while the constitution-making body was proceeding with its labours on the main Indian parties.—

The Prime Minister, Mr. Clement Attlee, in making a similar statement to the Commons that the mission would go to India towards the end of March.

Mr. Anthony Eden, acting Leader of Opposition, said: While it is clear, I presume that the Secretary for India will carry with him in his person the authority of the Secretary of State, can we also be assured that in respect of all matters which would normally require Cabinet decision there will be reference to Cabinet authority in London—that is, that these three Ministers will not carry with them anything in the nature of Cabinet authority.

I would also ask whether Parliament will have an opportunity of discussing any developments of policy that may arise out of this visit and may I tell the Prime Minister that though it is hard to say at present, it may be that we should like to have an opportunity to discuss India before the Ministers leave.

Finally, and the most important of all, may I ask the Prime Minister to make it clear that the main lines of British policy in respect of India still stand, that is to say that it is the responsibility of Indians, and not the Ministers from this country, to bring about a constitution making body.

Mr. Attlee: With regard to the first point, it is no use sending out responsible ministers unless they have a degree of responsibility to act. Clearly, therefore, within the terms laid down by Cabinet decisions, those ministers must be able to act but also, of course, on major matters of policy they will refer back for cabinet decision, but, if they are going to negotiate, they must have power to negotiate, as would the Viceroy, if he were acting on behalf of the Government.

With regard to matters coming before the House, clearly anything arising out of these discussions will be the subject of legislation and will have to come before the House. I am not sure whether it is feasible to have a debate before they go out. In any case, there is a bill coming down to the House designed to give the Viceroy more elbow room in the formation of his cabinet on which discussion could arise.

Perhaps Mr. Eden will discuss with the Lord President (Mr. Herbert Morrison) whether that is an adequate opportunity or not. Undoubtedly it is our intention to set up a machinery in agreement with Indians, whereby the Indian people themselves will decide their destinies.

Mr. Reginald Sorensen (Labour), one of the British Parliamentary Delegation, which had returned from India, asked whether a time-limit was placed on the visit. He hoped they would do their utmost to solve the problem and remain there until it was solved. They had the best wishes of the House.

Mr. Attlee: There is, of course, no time-limit laid down, but one hopes they will not be kept out there too long. I echo Mr. Sorensen's hopes—no harm in hoping. I hope they will be successful in as short a time as possible.

When the Cabinet-mission was to leave for India, the British Prime Minister made a very important statement about India which is reproduced elsewhere.

All three members of the British Cabinet Mission—Lord Pethick-Lawrence, Sir Stafford Cripps and Mr. A. V. Alexander—arrived at Karachi on March 23. Lord Pethick-Lawrence and Sir Stafford Cripps arrived at 6-15 p.m. while Mr. A. V. Alexander and party reached Karachi at 10-15 p.m. Undeterred by the rigours of the journey and looking fresh both Lord Pethick-Lawrence and Sir Stafford Cripps, met a group of pressmen and answered a number of questions ranging from Pakistan to the Soviet threat.

In a statement, Lord Pethick-Lawrence said: As my colleagues and I set foot on the soil of India, we bring to the people of this country, on behalf of the British Government and of the British people, a message of cordial friendship and goodwill. We are convinced that India is on the threshold of a very great future when in the exercise of her freedom she will stand for the preservation of civilisation in the East and bring her great influence to bear on the counsels of the nations.

We have come but with one purpose in view. It is, in conjunction with Lord Wavell, to discuss with the leaders of India and her elected representatives how best to speed the fulfilment of your aspirations, to take full control of your own affairs and thus enable us to complete the transfer of responsibility with pride and honour to yourselves. The British Government and the British people desire without reservation to consummate the promises and pledges that have been made and we can assure you that in our negotiations we shall not seek to provide for anything that is incompatible in any way to the sovereign dignity of India.

We have, then, with all our Indian associates, the common objective for the achievement of which all our energies will be devoted in the coming weeks. The precise road towards the final structure of India's independence is not yet clear but let the vision of it inspire us all in our renewed efforts to find the path of co-operation. I am confident we shall face our task together in faith and with determination to succeed.

Sir Stafford Cripps identified himself with the observations of Lord Pethick-Lawrance and said that a fuller statement will be made at Delhi at the press conference on Monday next.

Sir Stafford Cripps then replied to a barrage of questions. He said it was not true that a draft treaty of alliance between Britain and India was already discussed between Indian leaders and the British Government. We are just and we have come with an open mind. We are here to investigate and enquire all about that.

Asked about their views on Pakistsn, Sir Stafford Cripps again emphasized that they had come with an open mind: We have not come with any set views. We are here to investigate and enquire about that.

Questioned if the Cripps proposals formed the basis of the present negotiations, Sir Stafford Cripps said: We are not going backward. We are going forward.

As regards the possible duration of their stay, Sir Stafford Cripps remarked: We have not decided about it. We ourselves do not know but we shall return only when our work is over.

Sir Stafford Cripps said that they had not come to adjudicate between rival claims in India but to find out the means for the transfer of power to Indian hands.

Sir Stafford Cripps, expressing satisfaction at the reception given to the statement on India of Mr. C. R. Attlee, British Prime Minister, said that it had the support of all the sections of British Parliament and people.

They would prefer not to say anything more at persent, concluded Sir Stafford Cripps.

Lord Pethick-Lawrence was accompanied by Sir William Croft, Deputy Under-Secretary of State. Mr. F. F.

Turnbull, Private Secretary, Mr. A. H. Joyce, Publicity Adviser, Col. Fraser and Mr. E. R. Lumby.

Sir Stafford's party included Major Wyatt, Major Short and Mr. G. B. Blacker, Mr. T. L. Crosthwait, a special officer attached to the Mission, met the Mission at the airport.

The party drove to the Government House where they spent the night before continuing their onward journey to Delhi.

They arrived in New Delhi shortly before lunch on March 24. They were met at the airport by Lord Wavell and three members of his Council besides a large number of press representatives. While the Secretary of State for India looked tired and exhausted, the other two ministers were cheerful and obliged frequently photographers and newsreel cameramen. Lord Pethick-Lawrence left immediately with the Viceroy, but Sir Stafford spent a few minutes with old friends of the press. He declined to say anything on the Mission's task and asked anxious journalists to wait till the press conference. Throughout the journey, the Ministers kept themselves busy and were fully prepared to answer a barrage of questions at their first press conference on the next day which will be preceded by a statement.

Cripps turned religious-minded at the R.A.F. aerodrome on arrival when asked whether he was hopeful of the success of the British Cabinet Mission. He said: The Good Lord dispenses all these things. He makes His own arrangements. We have a very heavy programme before us. We have done a lot of work even while coming in the plane.

Recognising a white-turbanned journalist whom he knew during the 1942 talks and told that he was no more a journalist but the Principle Information Officer, Sir Stafford broke into jokes and said: We in England talk of poacher turning keeper.

Lord Pethick-Lawrence was too tired and left with Lord Wavell, followed by Mr. Alexandar, who waited to refresh himself with a drink.

On the left wing of the Viceroy's House, a huge conference hall was placed at the disposal of the Cabinet members for interviewing Indian leaders and representatives. Camp telephone and telegraph posts were pitched next door in tents.

Lord Pethick-Lawrence, when asked by a press correspondent if the trip had been arduous, protested that it had been delightful and not too tiring and he was astonished how cool it was possible to keep on the journey.

Following the Secretary of State out of the plane came Sir Stafford Cripps, in cheerful smile brightening his lean ascetic features as he recognised many familiar faces among the press correspondents who soon surrounded him. He fell into animated chat with them and set them laughing with his keen quick repartees.

He strolled to the 'shamiana' where over 100 newspaper correspondents, Indian and Foreign, were waiting. Briefly addressing them he said: We have had a very good trip and are glad to be here. We are meeting you tomorrow, and I must not say anything more before that.

Sir Stafford Cripps joined in the laughter at a remark made by some one that he had grown physically much fuller since 1942. He declined a glass of orange squash offered by the reception staff and sat back in one of the large Viceroy House cars.

While the First Lord of the Admiralty, Mr. A. V. Alexander, accepting the invitation of the group captain-in-charge of the aerodrome to try the full quality of the local beer, entered a quiet room in a part of the aerodrome chatting to a group of press men who had been introduced to him by Sir Archibald Rowlands, the Finance Member, he remarked: It is not often that the Air Force has a chance of entertaining the Navy, and he smiled mischievously at the high Air Force officials around him:—

The members of the Cabinet Mission spent a comparatively quiet time after their arrival at the Viceroy's House,

but were understood to have put through some amount of preliminary work in preparation for the consultations which began next day with the Viceroy and members of the Executive Council and officials. The Reforms Commissioner, Mr. V. P. Menon, was present at the Viceroy's House in the evening, presumably to help in the preparatory work.

After two weeks stay in Delhi the British Cabinet Mission issued the following statement on April 11:—

The Cabinet Mission came out with the view that a speedy settlement of the outstanding questions was essential. They have since their arrival heard the opinions of the most important political elements in India. Accordingly, they are now proposing to enter on the next and most important phase of the negotiations. It is a phase which calls on the utmost efforts from the leading statesmen of India, and from the Cabinet Mission, to arrive at a solution acceptable to all sides. The Mission are confident that at this great moment in the history of India, it will be possible with mutual goodwill to reach that decision which the people of India so anxiously awaited and which will be welcomed throughout the world. The Mission hope that much progress towards this will be made before they leave for recess at the end of next week. During the absence of the delegation, there will be an opportunity for decisive consultation between the Indian parties. When the Mission return, they hope to find sufficient element of agreement on which a settlement will be based.

BRITISH PRIME MINISTER'S SPEECH

The British Prime Minister, Mr. Attlee while speaking on the departure of the Cabinet Mission to India said in Parliament on March 15 :—

I find from our friends in this House who had been out to India and returned, from letters received from Indians and from Englishmen in India of all points of view, complete agreement on the fact that India is to-day in a state of great tension and that this is indeed a critical moment. I am quite sure that every-one in this House realises the difficulty of the task which the members of the Mission have undertaken in conjunction with the Viceroy and that no one will desire to say anything whatever that will make that task more difficult.

I entirely agree with Mr. Butler in saying that the Mission should go out in a positive mood. That, indeed, is the mood in which they are undertaking this mission.

It is time emphatically for very definite and clear action. I do not intend to make a long speech. I do not think it would be wise to do so and in particular it would be most unhelpful to review the past. It is so easy to go back over the past and in accordance with one's predilections to apportion blame for past failures in long drawnout discussions on this extraordinarily difficult problem—the problem of development of India to a completely self-governing nation.

In the long period of the past, it is so easy to point out and say that at this stage or that stage opportunities were missed by faults on one side or the other.

I have had very close connection with this problem for nearly twenty years and I say there have been faults on both sides, but this time, we should look to the future rather than harp back to the past. Thus I would say : It is no good applying the formula of the past to the present position.

setting a settlement of these minority problem if India is to have a smooth passage in future years and I believe that due provision will be made for them in the Constitution.

The Mission will certainly not neglect this point. But you cannot make Indians responsible for governing themselves and at the same time retain over here the responsibility for treatment of minorities and powers of intervention on their behalf. We are mindful too of the position of the services and of the men who have done great service to India. India should be sensible of the responsibility she has to those who have served her. Government which take over the assets of the Government will also take over the liabilities. That again is a point to be dealt with later on. It does not concern the immediate setting up of the instrument of decision. With regard to the treaty, we are not going to hang out for anything for our own advantage which would be to the disadvantage of India. Let me stress again the crucial nature of the task before us. This problem is of vital importance not only to India and the British Commonwealth and empire but to the world. In the mass of Asia ravaged by war, we have here the one country that has been, seeking to apply the principles of democracy. I have always felt myself that political India might be the light of Asia. It is most unfortunate circumstances that just at the time when we have to deal with these great political issues there should be grave economic difficulties. In particular we have very grave anxiety over India's food supply. The House knows that the British Government are deeply concerned in this problem and the Minister of Food is now over in the United States with the Indian delegation. We will do our utmost to help India. I do not think I should er to the social and economic difficulties except to say that I believe that these difficulties can only be solved by Indians themselves because they are so closely bound up with the whole Indian way of life and outlook. Whatever we can do to assist, we shall do. My colleagues are going and to India resolved to succeed and I am sure everyone will wish them, "God speed."

CONGRESS PRESIDENTS' VIEWS

M. Abdul Kalam Azad in an interview on the above statement said: "I find in the latest pronouncement of Mr. Attlee a new spirit and if the Mission is coming out with a determination to find a solution in that spirit I see no reason why the outcome should not be considered hopeful. History does not record any example of transition of power from one hand to another in a peaceful manner but the world has developed a new consciousness—at any rate let us hope so—and people are wide awake and conscious of their rights and the time has arrived when such transition should be the rule and not the exception. Apart from internal developments here is a higher aspect of the question of India's independence which has a significance in the present context of world events."

Whatever has taken place in the world during the past few years has brought about a new situation and a new Chapter of human history is being written. We stand on the threshold of a new age. Events in world history and the high tension all round have brought about a situation in which India has acquired a strategic position which is absolutely focal. Events that occur in the neighbourhood of India are bound to have repercussions straightaway in India and we know where a great tension exists. It is next door to India. An independent India to-day would be a great guarantee of peace throughout the world and will stem the tide of ambitions all round. This is a great point of absolute urgency which demands that India's settlement should be fitted out of local and internal conditions and placed on the basis of the world's demand for peace and therefore the strengthening of India's defence by Indians themselves. It is in the light of these events that I am hopeful a settlement which should be satisfactory to India, to Britain and the world.

MR. JINNAH'S VIEWS

Extracts from a speech delivered at Lahore at a meeting of the Punjab Muslim League Party in the Assembly on March 20:—
War of nerves has already started. We are threatened that the Muslim League will be ignored and bypassed unless

we listen to the dictation of the British Government. We are prepared for that if the British Government dare to force upon us a Constitution of their own construction and impose it upon us or any other measure in that direction. We are told and Mr. Attlee's speech has created a grave alarm among the Muslims, that the British Government have already been shaken and would be stampeded by the Congress Press propaganda and threatening speeches of the Congress leaders and their policy is now based upon a new technique that the Congress is in a position to create bloodshed if Pakistan is favoured and they are in a position to ruin and paralyse the British trade in this country. We are prepared for the very worst and no amount of manoeuvring, no amount of threatening, coercion or bullying is going to make us swerve by a hair-breadth from our resolve and demand for Pakistan, come what may. If the British Government fail to assess and appraise the situation properly and play in the hands of the Congress, it will be a tragedy of which there has been no precedent in the history of India.

The British Government have by their declaration in 1940 pledged their honour and promised the Muslims that not only the future solution of the problem of permanent Constitution will be determined by the Indians but a machinery to be set up must be by agreement of the major elements in the national life of the country and that they will not coerce the minority nor would they impose upon them by Constitution of their own making. Is British going to break this pledged word and promise given to the Muslims by His Majesty's Government with the approval of Parliament ?

It is absurd to say that a minority cannot veto the advance of a majority. Mr. Amery ridiculed this insidious propaganda of veto. The question here is whether the Constitution can be framed which is acceptable to the major elements and which they are willing to work of their free will and accord and for that purpose those who will be willing consenting parties can alone run the Government which will require stability and security of the Government and command the sanction and the will of the people behind

in order that its write and flat can be obeyed, respected and honoured. No Government can be run merely by the ballot box of any imposed Constitution unless its execution has a sanction behind it. However, these are the matters which we shall face when the Cabinet Mission arrives here.

Mr. Jinnah, then referred to what he described as "misleading propaganda going on that the Congress leaders and even the Mahatma came to me on bounded knees on several occasions and every approach that he made was frustrated by me. But they don't tell you. What were the proposals that were brought. They merely want to mislead the Muslims and wish to make out that I have been an impossible man and have thrown away everytime their proposals which were made genuinely for the lasting benefits of the Muslims of India and thereby I have done greatest harm to the Muslims in their vital interest and future whom Mr. Gandhi and the Congress look upon as their brothers and are dying for their unity. It is true that Gandhi came to me in 1938. He waited at my door step and what did he propose. That like many organisations the Muslim League is one within the ken of the Congress and there are other Muslim organisations and they are willing to listen to our grievances as one of the several Muslim organisations and see what they can do by way of safeguard as an all-India minority of Muslims.

Again, he came to me in 1939 when Lord Linlithgow had sent invitation to me and him to meet him jointly. He suddenly thought of Muslim interests which were so dear to him and rang me upon his arrival in Delhi and wanted to see me and welcome me. What was his proposal? He said it was very humiliating that you should go from your home and I from mine and meet there under a foreign roof and therefore, let us go together. I endorsed every word of this sentiment and when we came to brass tags as to what we were going to present to the Viceroy, we discussed for two hours but he did not budge an inch and wanted my support to the Congress demand for declaration of independence of India and a Constituent Assembly on the basis of Federal Central Government and then we would settle the communal question. In other words he

meant acquisition first and distribution afterwards. That was putting the cart before the horse and I could not agree.

Last time he came to me in September 1944 and spent three weeks with me. Examine his proposals which he offered. What were they? He wanted to maintain and mutilate the present boundaries of the Muslim majority provinces. After that he wanted that even where there was a majority of Muslims there should be a mixed plebiscite and then it the majority decided in favour of separation the Congress would not compel them to do so. And having mutilated these territories there would be matters which would rest in the Central Federal Government, that is defence, foreign policy, currency, exchange, commerce and transport. The very life blood of the Muslim majority parts will be under the yoke of the Hindu Majority dominated Centre and naturally it was impossible for me to accept such a ridiculous position. I have said so and I repeat it deliberately again that every time they made the approach they came to cheat the Muslims and me and I refused to fall into the trap and I am glad that I frustrated these insidious attempts they made.

In conclusion I want to make it clear that unless there is an honest and sincere desire for a just and fair and honourable settlement it is difficult to negotiate much less come to terms. I say to you: Punjab has taken fight as the sword arm of India and you played your part heroically on different battlefields which is recognised by the world. Let now your sword arm play a more magnificent part in the achievement of Pakistan. You can do it. We shall do it if Muslims will stand united. My prescription is unity, faith and discipline and we shall win. Even if the British and the Hindus make an Anglo-Hindu alliance we are prepared for it and we shall face it, come what may and we are not going to surrender.

We have begged, argued, supplicated, petitioned reasoned and prayed. We exhausted ourselves. I have now come to the end of my tether and everytime I meet with machinations and manoeuvres. Pakistan is our birthright and we shall have it.

LORD PETHIC-LAWRENCE'S STATEMENT

After his arrival at Delhi, this was the first statement that Lord Pethic-Lawrence made at a Press Conference :—

It is a great pleasure to me and to my colleagues, Sir Stafford Cripps and Mr. Alexander, to visit your country at a time of such crucial importance in its history. I was myself last in India in 1926 and I then made many friends with whom I have since kept in constant touch. Sir Stafford Cripps is well-known to you from his visit in 1942 and his earlier unofficial visit in 1940. Mr. Alexander has not before had the pleasure of visiting your country, but he is a good friend of India with a deep and sympathetic interest in your problems. The Viceroy, while continuing to carry the full load of his normal responsibilities, will join with us as our colleague in the discussions with Indian leaders for which the mission has come here.

With one or two exceptions all the results of the provincial elections will be known by the end of the next ten days. We shall therefore begin our consultations a week from to-day. In the meantime I and my colleagues will be engaged in bringing ourselves up-to-date with the situation, and in conferring with His Excellency the Viceroy and with the Governors of Provinces who are coming to Delhi to see us. We are looking forward to meet the Executive Council to-morrow evening.

You all know the general purpose of the discussions on which we shall be engaged. It was stated by Mr. Attlee, our Prime Minister, in his speech in the House of Commons on March 15.

The discussions now to begin are preliminary to the setting up of machinery whereby the forms under which India can realise her full independent status can be determined by Indians. The objective is to set up an acceptable machinery quickly, and to make the necessary interim arrangements.

Mr. Attlee in his speech which, in the subsequent, debate was shown to represent substantially the views of all par-

ties made it quite clear that if Indians should decide that they desire, under their new constitutional arrangements, to be outside the British Commonwealth of Nations, H. M. G. recognise their right to take that decision. We believe ourselves that India will find great advantages in remaining within the free association of the British Commonwealth. But it is a free association, and we have no desire to press India to stay within it against her considered judgment.

The issue of freedom and self-determination is therefore settled in principle. We have now to work out in co-operation the means by which Indians can themselves decide the form of their new institutions with the minimum of disturbance and the maximum of speed. The Indian States, which have a great part to play in India's future, must clearly be invited to join in this task. We are encouraged by the knowledge that many of the rulers share the general desire for the immediate attainment by India of her full freedom. In the meanwhile it is most desirable that a more representative Government having full popular support should come into being at the Centre so as to bring the country through its period of transition.

It is of the greatest importance that the transfer of responsibility should be smoothly and efficiently carried through. This is primarily an Indian, but also a British, interest, and it will be a fresh source of pride to India and to Britain if we can demonstrate to the world our ability to make a smooth and peaceful change of so far-reaching a character. It is to that end that we have come to play what we hope will be a helpful part.

Our talks will not be concerned with the question of whether India shall determine her own destiny—that is already decided—but with how she will do so. My colleagues and I look with confidence therefore to you, who represent the great Indian press of all shades of opinion, to exercise with helpfulness and restraint the far-reaching influence which you have in public affairs. There is no doubt that there are difficult questions which must be solved. During our talks we shall need patience, tolerance, and a spirit of compromise

and your co-operation in achieving and maintaining this helpful spirit of co-operation will greatly assist our task. I have no doubt that success in our joint task is attainable provided that all of us set the good of the Indian people above any other interest, and that we let nothing interfere with our determination to solve the problem.

There are two matters connected with our programme that I should like to mention to-day. We are receiving a great number of requests from organisations and individuals all over India who wish us to hear their views in person. I must make it quite clear that I and my colleagues have come here for the single purpose which I have already described to you. We have no wish to deny a hearing to anyone, but it is quite impossible for us to meet all who would wish us to see them. We shall therefore limit ourselves to seeing those who are judged to be best able to help us in our task. Moreover I, as Secretary of State, shall not be able to give interviews on matters outside the work for which the Cabinet delegation have come here. All such matters must be dealt with by the Government of India or the Crown representative in the normal way. I fear that we shall have also to disappoint the great majority of many kind people who are sending us social invitations. I am sure, realising that we have a very heavy programme and that it is necessary to devote all our energies to the task in hand.

You already know the programme which we have arranged for the beginning of our discussions. We shall be collecting the views of representatives of the Provincial and Central legislatures, of the leading All-India parties and organisations, and of Indian States. We have of course, followed closely the statements of policy of the main parties, and the important utterances of Indian leaders, but there are many matters which we shall need to discuss before we can feel that we have obtained a full appreciation of all points of view.

These interviews will occupy a great deal of our time until about the middle of April, and our programme after that will depend on developments.

My colleagues and I do not propose to hold Press Conferences on regular dates, but from time to time when we feel that we can usefully meet you we shall invite you to come. Mr. Joyce who is well-known to many of you, is Principal Information Officer to the Delegation, and he will hold more frequent conferences to keep you in touch with developments. I am sure you will appreciate that during our visit we shall be unable to give exclusive interviews for publication to any individual correspondent. We are anxious that all sections of the press, and the representatives of broadcasting organisations, should be treated with complete impartiality, and the only satisfactory way of achieving this is, of course, by the Press Conference procedure. But we hope we shall have opportunities of meeting you informally and off the record.

We cannot of course at this meeting express any views either on the shape of the machinery that should be devised for determining a solution, or on the merits of any particular constitutional plan. These are matters which must await the discussions with Indian representatives. We have come with only one fixed intention, and that is to play our full part as representing His Majesty's Government in helping Indians to achieve their independence. Beyond that we have open minds and are not committed to any particular views. But that does not mean that we come in hesitant or indecisive frame of mind. We come to enable Indians to take their place and play their full part amongst the great nations of the world, and with the determination to bring our discussions to a decisive and friendly conclusion, we have with the good will of all the inhabitants of this great country. We shall now be happy to try and deal with your questions.

For an hour after his statement Lord Pethic-Lawrence quietly but firmly dealt with a quick-fire of questions from correspondents and declined to be drawn into any commitment beyond the Prime Minister's statement in the House of Commons on March 15 on the question of minorities.

Questions by the correspondents mainly centred on the Prime Minister's statement : " We are mindful of the rights of the minorities, and minorities should be able to live free from fear. On the other hand, we cannot allow a minority to place their veto on the advance of the majority."

The Secretary of State commented :

" That does not, of course, mean that reasonable claims of minorities are to be disregarded. The result of the elections has made it clear that voters are looking to two main parties to represent their views, namely the Congress and the Moslem League. While the Congress party are representative of larger numbers, it would not be right to regard the Moslem League as merely a minority political party. They are in fact majority representatives of the great Moslem community. Our aim is to secure an agreed method of deciding on a new constitutional structure and the setting up of a more representative transitional Government at the Centre."

" The words of the Prime Minister stand in their entirety," Lord Pethick-Lawrence asserted in reply to a series of further questions. " I think it is perfectly clear. You all know what a minority is as much as I know."

Q. Do the Labour Government regard Muslims as a nation or a minority?

Lord Pethick-Lawrence : We regard them as one of the great communities in India.

Q. Are we therefore to interpret this to mean that Muslims are neither a minority nor a nation but a great community?

Ans : You can put your own interpretation.

A correspondent drew attention to past pledges on behalf of His Majesty's Government and asked whether fulfilment of these pledges would be part of the Mission's work. The Secretary of State observed that as the years went by the situation changed, and the promises

made had to be adapted to the existing situation, bearing in mind, of course, the spirit of those pledges and promises.

Lord Pethick Lawrence declined to reply to hypothetical questions like what would happen in the case of a demand for two constitution making bodies instead of one.

I am quite sure you will appreciate that we are not to-day concerned to explain what we shall do under hypothetical condition. We are going into these negotiations full of confidence and hope, and we believe we can reach an agreement with your co-operation, and we refuse to contemplate a failure.

Asked whether the mission would make out a time table for complete transfer of power, the Secretary of State said: I don't think we can decide on a time table now. We want the transfer to be made at the earliest possible time. A time table now would only be made in the dark. A time table is mainly in the hands of Indians themselves. It is not for us to place a limit by making it too short or too long.

Q. Do the mission anticipate a deadline for the transfer of responsibility.

Lord Pethick Lawrence replied in the negative and was heard to suggest that if everybody agreed to a deadline, then, of course, it would be accepted.

Asked to amplify the statement made by the Mission at Karachi that he would not adjudicate on rival claims, the Secretary of State said: Our intention is to transfer responsibility from us to Indians and we hope that as a result of our negotiations the way will be quite clear for that transfer.

The Secretary of State replying to a further question quoted Sir Stafford Cripps' statement, in Karachi about legislation and said: What Sir Stafford said was that the purposes of our present mission could be fulfilled without

legislation. These purposes are to get machinery set up for the framing a constitutional structure giving Indians full control over their own destiny and the formation of a new interim government.

Q. Is it intended to evolve a constitution for the whole of India or for British India alone ?

The Secretary of State said : We have come in the hope of enabling Indians to produce or set up machinery for producing a constitutional structure for India as a whole.

Q. Would States representatives be representatives of the rulers or of the people ?

The Secretary of State replied that in the case of the franchise, the mission would take the position as it was. We cannot ourselves create new structures. We have to take the position as we find it.

Q. As regards the Mission's statement to-day that "Indian States must clearly be invited to join in this task", is the co-operation of States essential or mandatory.

The Secretary of State : What we plan is to invite Indian States to take part in discussions for the setting up of machinery for framing the future constitutional structure. If I invite you to dinner, it is not obligatory on you to come. (Laughter).

Q. Do you propose to ask the Viceroy to release political prisoners before the talks start ? Should we expect an announcement on this commemorating your arrival ?

The Secretary of State : I think that is quite a separate matter. This would be one of the matters for discussion with the Viceroy but I don't think we shall make that a condition precedent to the discussions.

Q. Just as you are asking Russia to withdraw her troops from Iran, will you also withdraw your troops from India, so that discussions can take place without any pressure ?

The Secretary of State said the whole question of the position of troops was one to be discussed at the appropriate time.

Q. Will the Mission meet leaders of the underground world ?

The Secretary of State : If they will be of assistance in our task we shall see them.

Q. How is the press to co-operate with the Mission ?

Sir Stafford Cripps said the less exaggeration there was in the press of mutual criticism, the easier it would be to come to an accommodation.

Sir Ushanath Sen, President of the Press Association thanking the delegation for taking an early opportunity to meet the press, gave the assurance that the press would give their best co-operation in the mission's work.

Lord Pethick-Lawrence expressed appreciation of the assurance and said that he expected to have further opportunities of meeting the press.

Lord Pethick Lawrence's elucidation in reply to questions at the press conference produced a reassuring effect in Moslem League circles and helped to allay the nervousness caused by interpretations put in India on Mr. Attlee's references to minorities in his speech in Commons on March 15. Satisfaction was expressed at the assurance that the machinery to be set up whereby the forms under which India can realise her full independent status should be acceptable to all, that the Mission had open minds and not committed to any particular views ; and that pledges given in the past, particularly Lord Linnithgow's 1940 pledge, would be carried out in the spirit. Congress circles were generally reticent on the Secretary of State's statement.

CABINET MISSION PROPOSALS*

On March 15 last just before the despatch of the Cabinet
Delegation to India Mr. Attlee, the British Prime Minister,
used these words :—

"My colleagues are going to India with the intention
of using their utmost endeavours to help her to
attain her freedom as speedily and fully as possible.
What form of Government is to replace the present
regime is for India to decide but our desire is to
help her to set up forthwith the machinery for
making that decision."

"I hope that India and her people may elect to remain
within the British Commonwealth. I am certain
that they will find great advantages in doing so."
"But if she does so elect, it must be by her own free will.
The British Commonwealth and Empire is not
bound together by chains of external compulsion.
It is a free association of free peoples. If, on the
other hand, she elects for independence, in our
view she has a right to do so. It will be for us to
help to make the transition as smooth and easy as
possible."

Charged in these historic words we—the Cabinet
Ministers and the Viceroy—have done our utmost to assist
the two main political parties to reach agreement upon the
fundamental issue of the unity or division of India. After
prolonged discussions in New Delhi we succeeded in bringing
the Congress and the Muslim League together in Conference
at Simla. There was a full exchange of views and both
parties were prepared to make considerable concessions in
order to try and reach a settlement but it ultimately proved
impossible to close the remainder of the gap between the

parties and so no agreement could be concluded. Since no agreement has been reached we feel that it is our duty to put forward what we consider are the best arrangements possible to ensure a speedy setting up of the new constitution. This statement is made with the full approval of His Majesty's Government in the United Kingdom.

We have accordingly decided that immediate arrangements should be made whereby Indians may decide the future constitution of India and an Interim Government may be set up at once to carry on the administration of British India until such time as a new Constitution can be brought into being. We have endeavoured to be just to the smaller as well as to the larger sections of the people; and to recommend a solution which will lead to a practicable way of governing the India of the future, and will give a sound basis for defence and a good opportunity for progress in the social, political and economic field.

It is not intended in this statement to review the voluminous evidence that has been submitted to the Mission; but it is right that we should state that it has shown an almost universal desire, outside the supporters of the Muslim League, for the unity of India.

The consideration did not, however, deter us from examining closely and impartially the possibility of a partition of India; since we were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu-majority rule. This feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards. If there is to be internal peace in India it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion, and economic or other interests.

We therefore examined in the first instance the question of a separate and fully independent sovereign State of Pakistan as claimed by the Muslim League. Such a Pakistan would comprise two areas; one in the north-west consisting of the Provinces of the Punjab, Sind, North-West Frontier,

and British Baluchistan, the other in the north-east consisting of the Provinces of Bengal and Assam. The League were prepared to consider adjustment of boundaries at a later stage, but insisted that the principle of Pakistan should first be acknowledged.

The argument for a separate State of Pakistan was based, first, upon the right of the Muslim majority to decide their method of Government according to their wishes, and secondly, upon the necessity to include substantial areas in which Muslims are in a minority, in order to make Pakistan administratively and economically workable.

The size of the non-Muslim minorities in a Pakistan comprising the whole of the six Provinces enumerated above would be very considerable as the following figures* show—

North-Western Area—

Muslims	Non-Muslims
Punjab	16,217,242
North-West Frontier Province	2,788,797
Sind	3,208,325
Br. Baluchistan	438,930
	62,701
<u>22,653,294</u>	<u>13,840,231</u>

North-Eastern Area—

Bengal	33,005,434
Assam	3,442,479
	6,762,254
<u>36,447,913</u>	<u>34,063,345</u>
51.69%	48.31%

* All population figures in this statement are from the most recent census taken in 1941.

The Muslim minorities in the remainder of British India number some 20 million dispersed amongst a total population of 188 million.

These figures show that the setting up of a separate sovereign State of Pakistan on the lines claimed by the Muslim League, would not solve the communal minority problem; nor can we see any justification for including within a sovereign Pakistan those districts of the Punjab and Bengal and Assam in which the population is predominantly non-Muslim. Every argument that can be used in favour of Pakistan, can equally in our view be used in favour of the exclusion of the non-Muslim area from Pakistan. This point would particularly affect the position of the Sikhs.

We, therefore, considered whether a smaller sovereign Pakistan confined to the Muslim majority areas above might be a possible basis of compromise. Such a Pakistan is regarded by the Muslim League as quite impracticable because it would entail the exclusion from Pakistan of (a) the whole of the Ambala and Jullundur Divisions in the Punjab; (b) the whole of Assam except the district of Sylhet; and (c) a large part of Western Bengal, including Calcutta, in which city the Muslims form 23.6 per cent. of the population. We ourselves are also convinced that any solution which involves a radical partition of the Punjab and Bengal, as this would do, would be contrary to the wishes and interests of a very large proportion of the inhabitants of these Provinces. Bengal and the Punjab each has its own common language and a long history and tradition. Moreover, any division of the Punjab would of necessity divide the Sikhs leaving substantial bodies of Sikhs on both sides of the boundary. We have, therefore, been forced to the conclusion that neither a larger nor a smaller sovereign State of Pakistan would provide an acceptable solution for the communal problem.

Apart from the great force of the foregoing arguments there are weighty administrative, economic and military considerations. The whole of the transportation and postal

and telegraph systems of India have been established on the basis of a united India. To disintegrate them would gravely injure both parts of India. The case for a united defence is even stronger. The Indian armed forces have been built up as a whole for the defence of India as a whole, and to break them in two would inflict a deadly blow on the long tradition and high degree of efficiency of the Indian Army and would entail the gravest dangers. The Indian Navy and Indian Air Force would become much less effective. The two sections of the suggested Pakistan contain the two most vulnerable frontiers in India and for a successful defence in depth the area of Pakistan would be insufficient.

A further consideration of importance is the greater difficulty which the Indian States would find in associating themselves with a divided British India. Finally there is the geographical fact that the two halves of the proposed Pakistan State are separated by some seven hundred miles and the communications between them both in war, and peace would be dependent on the goodwill of Hindustan.

We are therefore, unable to advise the British Government that the power which at present resides in British hands should be handed over to two entirely separate sovereign States.

This decision does not, however, blind us to the very real Muslim apprehensions that their culture and political and social life might become submerged in a purely unitary India, in which the Hindus, with their greatly superior numbers must be a dominating element. To meet this, the Congress have put forward a scheme under which Provinces would have full autonomy subject only to a minimum of Central subjects, such as Foreign Affairs, Defence and Communications.

Under this scheme Provinces, if they wished to take part in economic and administrative planning on a large scale, could cede to the Centre optional subjects in addition to the compulsory ones mentioned above.

Such a scheme would, in our view, present considerable constitutional disadvantages and anomalies. It would be very difficult to work a Central Executive and Legislature in which some Ministers, who dealt with compulsory subjects, were responsible to the whole of India while other Ministers, who dealt with optional subjects, would be responsible only to those Provinces which had elected to act together in respect of such subjects. This difficulty would be accentuated in the Central Legislature, where it would be necessary to exclude certain members from speaking and voting when subjects with which their Provinces were not concerned were under discussion.

Apart from the difficulty of working such a scheme we do not consider that it would be fair to deny to other Provinces, which did not desire to take the optional subjects at the Centre, the right to form themselves into a group for a similar purpose. This would indeed be no more than the exercise of their autonomous powers in a particular way.

Before putting forward our recommendation we turn to deal with the relationship of the Indian States to British India. It is quite clear that with the attainment of independence by British India, whether inside or outside the British Commonwealth, the relationship which has hitherto existed between the Rulers of the States and the British Crown will no longer be possible. Paramountcy can neither be retained by the British Crown nor transferred to the new Government.

This fact has been fully recognized by those whom we interviewed from the States. They have at the same time assured us that the States are ready and willing to co-operate in the new development of India. The precise form which their co-operation will take must be a matter for negotiation during the building up of the new constitutional structure, and it by no means follows that it will be identical for all the States. We have not, therefore, dealt with the States in the same detail as the Provinces of British India in the paragraphs which follow.

We now indicate the nature of a solution which in our view would be just to the essential claims of all parties, and

would at the same time be most likely to bring about a stable and practicable form of constitution for all India.

We recommend that the constitution should take the following basic form—

(1) There should be a Union of India, embracing both British India and the States, which should deal with the following subjects: Foreign Affairs, Defence and Communications; and should have the powers necessary to raise the finances required for the above subjects.

(2) The Union should have an Executive and a Legislature constituted from British India and States representatives. Any question raising a major communal issue in the Legislature should require for its decision a majority of the representatives present and voting of the two major communities as well as a majority of all the members present and voting.

(3) All subjects other than the Union subjects and all residuary powers should vest in the Provinces.

(4) The States will retain all subjects and powers other than those ceded to the Union.

(5) Provinces should be free to form Groups with executives and legislatures, and each Group could determine the Provincial subjects to be taken in common.

(6) The constitutions of the Union and of the Groups should contain a provision whereby any Province could, by a majority, vote of its Legislative Assembly, call for a reconsideration of the terms of the constitution after an initial period of 10 years and at 10 yearly intervals thereafter.

It is not our object to lay out the details of a constitution on the above lines, but to set in motion the machinery whereby a constitution can be settled by Indians for Indians. It has been necessary, however, for us to make this recommendation as to the broad basis of the future constitution because it became clear to us in the course of our negotiations that not until that had been done was there any hope of getting the two major communities to join in the setting up of the constitution-making machinery.

We now indicate the constitution-making machinery which we propose should be brought into being forthwith in order to enable a new constitution to be worked out.

In forming any Assembly to decide a new Constitutional structure, the first problem is to obtain as broad-based and accurate a representation of the whole population as is possible. The most satisfactory method obviously would be by election based on adult franchise; but any attempt to introduce such a step would lead to a wholly unacceptable delay in the formation of the new Constitution. The only practicable alternative is to utilize the recently elected Provincial Legislative Assemblies as the electing bodies.

There are, however, two factors in their composition which make this difficult. First, the numerical strengths of the Provincial Legislative Assemblies do not bear the same proportion to the total population in each Province. Thus, Assam with a population of 10 millions has a Legislative Assembly of 103 members, while Bengal, with a population six times as large, has an Assembly of only 250. Secondly, owing to the weightage given to minorities by the Communal Award, the strengths of the several communities in each Provincial Legislative Assembly are not in proportion to their numbers in the Province. Thus the number of seats reserved for Muslims in the Bengal Legislative Assembly is only 48% of the total, although they form 55% of the Provincial population. After a most careful consideration of the various methods by which these inequalities might be corrected, we have come to the conclusion that the fairest and most practicable plan would be:—

(a) to allot to each Province a total number of seats proportional to its population, roughly in the ratio of one to a million, as the nearest substitute for representation by adult suffrage.

(b) to divide this provincial allocation of seats between the main communities in each Province in proportion to their population.

(c) to provide that the representatives allotted to each community in a Province shall be elected by the members of that community in its Legislative Assembly

We think that for these purposes it is sufficient to recognize only three main communities in India: General, Muslim and Sikh, the "General" community including all persons who are not Muslims or Sikhs. As the smaller minorities would, upon the population basis, have little or no representation since they would lose the weightage which assures them seats in the Provincial Legislatures, we have made the arrangements set out elsewhere below to give them a full representation upon all matters of special interest to the minorities.

(1) We, therefore, propose that there shall be elected by each Provincial Legislative Assembly the following numbers of representatives, each part of the Legislature (General, Muslim or Sikh) electing its own representatives by the method of proportional representation with the single transferable vote :

TABLE OF REPRESENTATION

Section A.

Province. General. Muslim. Total.

Madras	Bombay	United Provinces	Bihar	Central Provinces	Orissa	Total
...
45	19	47	31	16	9	167
4	2	8	5	1	0	20
49	21	55	36	17	9	187

Section B.

Province.	Punjab	N.-W.F.P.	Sind	Total
...
...	8	0	1	9
...	16	3	3	22
General	...	...	...	...
Muslim.	...	...	...	...
Sikh.	4	0	4	8
Total.	28	3	4	35

Section C.

Province.	Bengal	Assam	Total		
			General.	Muslim.	Total.
...	27	33	60
...	7	3	10
...	34	36	70
<hr/>					
Total for British India			...	...	292
Maximum for Indian States			...	...	93
<hr/>					
Total			...	...	385

Note.—In order to represent the Chief Commissioners Provinces there will be added to Section A the Member representing Delhi in the Central Legislative Assembly, the Member representing Ajmer-Merwara in the Central Legislative Assembly, and a representative to be elected by the Goorg Legislative Council. To Section B will be added a representative of British Baluchistan.

(ii) It is the intention that the States should be given in the final Constituent Assembly appropriate representation which would not, on the basis of the calculations adopted for British India, exceed 93, but the method of selection will have to be determined by consultation. The States would in the preliminary stage be represented by a Negotiating Committee.

(iii) The representatives thus chosen shall meet at New Delhi as soon as possible.

(iv) A preliminary meeting will be held at which the general order of business will be decided, a Chairman and other officers elected, and an Advisory Committee on the rights of citizens, minorities, and excluded areas set up. Thereafter, the provincial representatives will divide up into the three sections shown under A, B, and C, in the Table of Representation in sub-paragraph (2) of this paragraph.

(v) These sections shall proceed to settle the Provincial Constitutions for the Provinces included in each section, and shall also decide whether any (Group) Constitution shall be set up for those Provinces and if so with what provincial subjects the (Group) should deal. Provinces shall have the power to opt out of the Groups in accordance with the provisions of sub-clause (viii) below.

(vi) The representatives of the Sections and the Indian States shall reassemble for the purpose of settling the Union Constitution.

(vii) In the Union Constituent Assembly resolutions varying the provisions given elsewhere above or raising any majority of the representatives present and voting of each of the two major communities. The Chairman of the Assembly shall decide which (if any) of the resolutions raise major communal issues and shall, if so requested by a majority of the representatives of either of the major communities, consult the Federal Court before giving his decision.

(viii) As soon as the new constitutional arrangements have come into operation, it shall be open to any Province to elect to come out of any Group in which it has been placed. Such a decision shall be taken by the new legislature of the Province after the first general election under the new constitution.

The Advisory Committee on the rights of citizens, minorities, and tribal and excluded areas should contain full representation of the interests affected, and their function will be to report to the Union Constituent Assembly upon the list of Fundamental Rights, the clauses for the protection of minorities, and a scheme for the administration of the tribal and excluded areas, and to advise whether these rights should be incorporated in the Provincial Group, or Union constitution.

His Excellency the Viceroy will forthwith request the Provincial Legislatures to proceed with the election of their representatives and the States to set up a Negotiating Committee. It is hoped that the process of constitution-making can proceed as rapidly as the complexities of the task permit so that the interim period may be as short as possible.

It will be necessary to negotiate a Treaty between the Union Constituent Assembly and the United Kingdom to provide for certain matters arising out of the transfer of power.

While the constitution-making proceeds, the administration of India has to be carried on. We attach the greatest importance therefore to the setting up at once of an interim Government having the support of the major political parties. It is essential during the interim period that there should be the maximum of co-operation in carrying through the difficult tasks that face the Government of India. Besides the heavy task of day-to-day administration, there is the grave danger of famine to be countered; there are decisions to be taken in many matters of post-war development which will have a far-reaching effect on India's future; and there are important international conferences in which India has to be represented.

For all these purposes a Government having popular support is necessary. The Viceroy has already started discussions to this end, and hopes soon to form an Interim Government in which all the portfolios, including that of War Member, will be held by Indian leaders having the full confidence of the people. The British Government, recognizing the significance of the changes in the Government of India, will give the fullest measure of co-operation to the Government so formed in the accomplishment of its tasks of administration and in bringing about as rapid and smooth a transition as possible.

To the leaders and people of India who now have the opportunity of complete independence we would finally say this. We and our Government and countrymen hoped that it would be possible for the Indian people themselves to

agree upon the method of framing the new constitution under which they will live. Despite the labours which we have shared with the Indian Parties, and the exercise of much patience and goodwill by all, this has not been possible. We therefore now lay before you proposals which, after listening to all sides and after much earnest thought, we trust will enable you to attain your independence in the shortest time and with the least danger of internal disturbance and conflict. These proposals may not, of course, completely satisfy all parties, but you will recognize with us that at this supreme moment in Indian history statesmanship demands mutual accommodation.

We ask you to consider the alternative to acceptance of these proposals. After all the efforts which we and the Indian Parties have made together for agreement, we must state that in our view there is small hope of peaceful settlement by agreement of the Indian Parties alone. The alternative would, therefore, be a grave danger of violence, chaos, and even civil war. The result and duration of such a disturbance cannot be foreseen: but it is certain that it would be a terrible disaster for many millions of men, women and children. This is a possibility which must be regarded with equal abhorrence by the Indian people, our own countrymen, and the world as a whole.

We therefore lay these proposals before you in the profound hope that they will be accepted and operated by you in the spirit of accommodation and goodwill in which they are offered. We appeal to all who have the future good of India at heart to extend their vision beyond their own community or interest to the interest of the whole four hundred millions of the Indian people.

We hope that the new independent India may choose to be a member of the British Commonwealth. We hope in any event that you will remain in close and friendly association with our people. But these are matters for your own free choice. Whatever that choice may be we look forward with you to your ever-increasing prosperity among the great nations of the world, and to a future even more glorious than your past.

Revealing Correspondence

46

CORRESPONDENCE AND DOCUMENTS CONNECTED WITH THE SECOND SIMLA CONFERENCE BETWEEN THE CABINET DELEGATION AND HIS EXCELLENCY THE VICEROY, AND REPRESENTATIVES OF THE CONGRESS AND THE MUSLIM LEAGUE.

No. 1

Letter from Lord Pethick-Lawrence to Maulana Abul Kalam Azad and Mr. Jinnah, dated 27th April 1946.

The Cabinet Mission and His Excellency the Viceroy have carefully reviewed the opinions expressed to them by the various representatives they have interviewed and have come to the conclusion that they should make one further attempt to obtain agreement between the Muslim League and the Congress.

They realise that it would be useless to ask the two Parties to meet unless they were able to place before them a basis of negotiation which could lead to such an agreement.

I am therefore asked to invite the Muslim League to send four negotiators to meet the Cabinet Mission and the Viceroy together with a similar number from the Congress Working Committee with a view to discussing the possibility of agreement upon a scheme based upon the following fundamental principles:—

The future constitutional structure of British India to be as follows:—

A Union Government dealing with the following subjects:—

Foreign Affairs, Defence and Communications. There will be two groups of Provinces, the one of the predominantly Hindu Provinces and the other of the predominantly Muslim Provinces, dealing with all other subjects which the provinces in the respective groups desire to be dealt with in common.

As you are aware, we have envisaged a Federal Union of autonomous units. Such a Federal Union must of necessity deal with certain essential subjects of which defence and its allied subjects are the most important. It must be organic and must have both an executive and legislative machinery as well as the finance relating to these subjects and the power to raise revenues for these purposes in its own right. Without these functions and powers it would be weak and disjointed

I thank you for your letter of April 27th. I have consulted my colleagues of the Congress Working Committee in regard to the suggestion made by you, and they desire me to inform you that they have always been willing to discuss fully any matters concerning the future of India with representatives of the Muslim League or any other organisation. I must point out, however, that the "fundamental principles" which you mention require amplification and elucidation in order to avoid any misunderstanding.

Letter from the President of the Congress to Lord Pethick-Lawrence, dated 28th April 1946.

No. 2.

If the Muslim League and Congress are prepared to enter into negotiations on this basis, you will perhaps be so good as to let me know the names of the four people appointed to negotiate on their behalf. As soon as I receive these I will let you know the focus of the negotiations which will in all probability be in Simla, where the climate will be more temperate.

I would point out that we do not think it either necessary or desirable further to elaborate these principles as all other matters could be dealt with in the course of the negotiations.

It is contemplated that the Indian States will take their appropriate place in this structure on terms to be negotiated with them.

The Provincial Governments will deal with all other subjects and will have all the residuary Sovereign rights.

and defence and progress in general would suffer. Thus among the common subjects in addition to Foreign Affairs, Defence and Communications, there should be Currency, Customs, Tariffs and such other subjects as may be found on closer scrutiny to be intimately allied to them.

Your reference to two groups of Provinces, the one of the predominantly Hindu Provinces and the other of the predominantly Muslim Provinces, is not clear. The only predominantly Muslim Provinces are the North-West Frontier Province, Sind and Baluchistan. Bengal and Punjab have a bare Muslim majority. We consider it wrong to form groups of Provinces under the Federal Union and more so on religious or communal basis. It also appears that you leave no choice to a Province in the matter of joining or not joining a group. It is by no means certain that a Province as constituted would like to join any particular group. In any event it would be wholly wrong to compel a Province to function against its own wish. While we agree to the Provinces having full powers in regard to all remaining subjects as well as the residuary powers, we have also stated that it should be open to any Province to exercise its option to have more common subjects with the Federal Union. Any sub-federation within the Federal Union would weaken the Federal Centre and would be otherwise wrong. We do not, therefore, favour any such development.

Regarding the Indian States we should like to make it clear that we consider it essential that they should be parts of the Federal Union in regard to the common subjects mentioned above. The manner of their coming into the Union can be considered fully later.

You have referred to certain "fundamental principles" but there is no mention of the basic issue before us, that is, Indian independence and the consequent withdrawal of the British army from India. It is only on this basis that we can discuss the future of India, or any interim agreement. While we are ready to carry on negotiations with any party as to the future of India, we must state our convictions

that reality will be absent from any negotiations whilst an outside ruling power still exists in India.

I have asked three of my colleagues of the Congress Working Committee, namely, Pandit Jawaharlal Nehru, Sardar Vallabhbhai Patel and Khan Abdul Ghaffar Khan to accompany me in any negotiations that may take place as a result of your suggestion.

No. 3.

Letter from the President of the Muslim League to Lord Pethick-Lawrence, dated 29th April 1946.

I thank you for your letter of the 27th April, which I placed before my Working Committee yesterday morning.

My colleagues and I fully appreciate the further attempt that the Cabinet Mission and His Excellency the Viceroy are making to bring about an agreement between the Muslim League and the Congress by proposing a meeting of the representatives of the two organisations for the purpose of negotiating an agreement. They, however, desire me to invite your attention to the position taken up by the Muslim League since the passing of the Lahore Resolution in 1940 and, thereafter, successively endorsed by the All-India Muslim League Sessions and again by the Convention of the Muslim League Legislators, as recently as the 9th of April, 1946, as per copy enclosed.

The Working Committee desire to point out that many important matters, both of principle and detail, in your brief letter, require elucidation and clarification, which, in their opinion, can be achieved at the meeting proposed by you.

Therefore, without prejudice or commitment, the Working Committee, in their anxiety to assist in finding an agreed solution of the Indian constitutional problem, have authorised me to nominate three representatives on behalf of the Muslim League to participate in the negotiations.

The following are the four names :—

1. Mr. M. A. Jinnah,
2. Nawab Mohammad Ismail Khan,
3. Nawabzada Liaquat Ali, Khan, and
4. Sardar Abdur Rab Nishtar.

No. 4.

*Enclosure to Mr. Jinnah's letter to Lord Pethick-Lawrence,
dated 29th April 1946.*

*Resolution, passed by the subjects Committee, to be placed
before the All-India Muslim League Legislators' Convention
on April 9th, 1946.*

Whereas in this vast sub-continent of India a hundred million Muslims are the adherents of a Faith which regulates every department of their life (educational, social, economic and political), whose code is not confined merely to spiritual doctrines and tenets or rituals and ceremonies and which stands in sharp contrast to the exclusive nature of Hindu Dharma and Philosophy which has fostered and maintained for thousands of years a rigid Caste System resulting in the degradation of 60 million human beings to the position of untouchables, creation of unnatural barriers between man and man and superimposition of social and economic inequalities on a large body of the people of this country, and which threatens to reduce Muslims, Christians and other minorities to the status of irredeemable helots, socially and economically ;

whereas, the Hindu Caste System is a direct negation of nationalism, equality, democracy and all the noble ideals that Islam stands for ;

whereas, different historical backgrounds, traditions, cultures and social and economic orders of the Hindus and Muslims have made impossible the evolution of a single Indian nation inspired by common aspirations and ideals and

whereas after centuries they still remain two, distinct major nations ;

whereas, soon after the introduction by the British of the policy of setting up political institutions in India on the lines of Western democracies based on majority rule which meant that the majority of one nation or society could impose its will on the majority of the other nation or society in spite of their opposition as was amply demonstrated during the two and a half years regime of Congress Government in the Hindu majority Provinces under the Government of India Act, 1935, when the Muslims were subjected to untold harassment and oppression as a result of which they were convinced of the futility and ineffectiveness of the so called safeguards provided in the Constitution and in the Instrument of Instructions to the Governors and were driven to the irresistible conclusion that in a United Indian Federation, if established, the Muslims even in majority Provinces would meet with no better fate and their rights and interests could never be adequately protected against the perpetual Hindu majority at the Centre ;

whereas, the Muslims are convinced that with a view to save Muslim India from the domination of the Hindus and in order to afford them full scope to develop themselves according to their genius, it is necessary to constitute a sovereign independent State comprising Bengal and Assam in the North-East zone and the Punjab, North-West Frontier Province, Sind and Baluchistan in the North-West zone.

This Convention of the Muslim League Legislators of India, Central and Provincial, after careful consideration hereby declares that the Muslim Nation will never submit to any constitution for a United India and will never participate in any single constitution-making machinery set up for the purpose, and that any formula devised by the British Government for transferring power from the British to the peoples of India, which does not conform to the following just and equitable principles calculated to maintain internal peace and tranquillity in the country, will not contribute to the solution of the Indian problem :—

1. That the zones comprising Bengal and Assam in the North-East and the Punjab, North-West Frontier Province, Sind and Baluchistan in the North-West of India, namely, Pakistan zones where the Muslims are in a dominant majority, be constituted into a sovereign independent State and that an unequivocal undertaking be given to implement the establishment of Pakistan without delay ;

2. that two separate constitution-making bodies be set up by peoples of Pakistan and Hindustan for the purpose of framing their respective constitutions ;

3. that the minorities in Pakistan and Hindustan be provided with safeguards on the lines of the All-India Muslim League Resolution passed on the 23rd March 1940, at Lahore ;

4. that the acceptance of the Muslim League demand of Pakistan and its implementation without delay are the *sine qua non* for the Muslim League co-operation and participation in the formation of an interim Government at the Centre.

This Convention further emphatically declares that any attempt to impose a constitution on a United India basis or to force any interim arrangement at the Centre contrary to the Muslim League demand will leave the Muslims no alternative but to resist such imposition by all possible means for their survival and national existence.

NO. 5.

Letter from Lord Pethic-Lawrence to the President of the Congress dated 29th April, 1946.

I thank you for your letter of 28th April. The Cabinet Delegation are very glad to know that the Congress agree to enter the joint discussion with representatives of the Muslim League and ourselves.

We have taken note of the views you have expressed on behalf of the Working Committee of Congress. These appear to deal with matters which can be discussed at the Conference, for we have never contemplated that acceptance by Congress and the Muslim League of our invitation would imply as a preliminary

We propose that these discussions should be held at Simla and intend to move there ourselves on Wednesday next. We hope that you will be able to arrange for the Muslim League representatives of the Congress in order to discuss it.

We have taken note of the resolution of the Muslim League to which you draw our attention. We have never contemplated that acceptance by the Muslim League and the Congress of our invitation would imply as a preliminary condition full approval by them of the terms set out in my letter. These terms are our proposed basis for a settlement and what we have asked the Muslim League Working Committee to do is to agree to send its representatives to meet ourselves and representatives of the Congress in order to discuss it.

Thank you for your letter of the 29th April. The Cabinet Delegation are very glad to know that the Muslim League agree to enter the joint discussion with the representatives of the Congress and ourselves. I am glad to say I have received a letter from the President of the Congress to say that they are also willing to participate in the proposed discussions and have nominated Maulana Azad, Pandit Nehru, Vallabhbhai Patel and Khan Abdul Ghaffar Khan as their representatives.

Letter from Lord Pethick-Lawrence to the President of the Muslim League, dated 29th April, 1946.

No. 6.

Assuming that the Muslim League, whose reply we expect to receive in the course of the afternoon, also accept our invitation, we propose that these discussions should be held at Simla, and intend to move there ourselves on Wednesday next. We hope that you will be able to arrange for the Congress representatives to be in Simla in time to open the discussion on the morning of Thursday, May 2nd.

These terms are our proposed basis for a settlement, and what we have asked the Congress Working Committee to do is to agree to send its representatives to meet ourselves and representatives of the Muslim League in order to discuss it.

representatives to be in Simla in time to open the discussion on the morning of Thursday, May 2nd.

NO. 7.

AGENDA.

1. Groups of Provinces—
 - (a) Composition.
 - (b) Method of deciding Group subjects.
 - (c) Character of Union Constitution.

2. Union—

- (a) Union subjects.
- (b) Character of Union Constitution.
- (c) Finance.

3. Constitution-making Machinery—

- (a) Composition.
- (b) Functions.

- (i) in respect of Union ;
- (ii) in respect of Groups ;
- (iii) in respect of Provinces.

NO. 8.

*Letter from the President of Congress to Lord Petrich
Lawrence, dated 6th May, 1946.*

My colleagues and I followed with care the proceedings of the conference yesterday and tried to understand what our conversations were leading up to. I confess to feeling somewhat mystified and disturbed at the vagueness of our talks and some of the assumptions underlying them. While we would like to associate ourselves with every effort to explore ways and means of finding a basis for agreement, we must not deceive ourselves that Cabinet Mission or the representatives of the Muslim League into the belief that the way the conference has

far proceeded furnishes hope of success. Our general approach to the questions before us was stated briefly in my letter to you of April 28th. We find that this approach has been largely ignored and a contrary method has been followed. We realise that some assumptions have to be made in the early stages as otherwise there can be no progress. But assumptions which ignore or run contrary to fundamental issues are likely to lead to misunderstanding during the later stages.

In my letter of April 28th, I stated that the basic issue before us was that of Indian independence and the consequent withdrawal of the British army from India, for there can be no independence so long as there is a foreign army on Indian soil. We stand for the independence of the whole of India now and not in the distant or near future. Other matters are subsidiary to this and can be fitly discussed and decided by the Constituent Assembly.

At the conference yesterday I referred to this again and we were glad to find that you and your colleagues, as well as the other members of the conference, accepted Indian independence as the basis of our talks. It was stated by you that the Constituent Assembly would finally decide about the nexus or other relationship that might be established between a free India and England. While this is perfectly true, it does not affect the position now, and that is the acceptance of Indian independence now.

If that is so then certain consequences inevitably follow. We felt yesterday that there was no appreciation of these consequences. A Constituent Assembly is not going to decide the question of independence; that question must be and, we take it, has been decided now. That Assembly will represent the will of the free Indian nation and give effect to it. It is not going to be bound by any previous arrangements. It has to be preceded by a Provisional Government which must function, as far as possible, as a government of free India, and which should undertake to make all arrangements for the transitional period.

In our discussions yesterday repeated references were made to "groups" of Provinces functioning together, and it was even suggested that such a group would have an executive and legislative machinery. This method of grouping has not so far been discussed by us but still our talks seemed to presume all this I should like to make it very clear that we are entirely opposed to any executive or legislative machinery for a group of Provinces or units of the Federation. That will mean a sub-federation, if not something more, and we have already told you that we do not accept this. It would result in creating three layers of executive and legislative bodies, an arrangement which will be cumbersome, static and disjointed, leading to continuous friction. We are not aware of any such arrangement in any country.

We are emphatically of opinion that it is not open to the conference to entertain any suggestions for a division of India. If this is to come, it should come through the Constituent Assembly free from any influence of the present governing power.

Another point we wish to make clear is that we do not accept the proposal for parity as between groups in regard to the executive or legislature. We realise that everything possible should be done to remove fears and suspicions from the mind of every group and community. But the way to do this is not by unreal methods which go against the basic principles of democracy on which we hope to build up our constitution.

NO. 9.

Letter from Lord Pethick-Lawrence to the Presidents of the Muslim League and the Congress, dated 8th May 1946.

My colleagues and I have been thinking over the best method of laying before the Conference what in our judgment seems the most likely basis of agreement as shown by the deliberations so far.

We have come to the conclusion that it will be for the convenience of the parties if we commit this to

writing and send them confidential copies before the Conference meets again.

We hope to be in a position to let you have this in the course of the morning. But as this will give you too short a time to study it adequately before the proposed resumption of the Conference at 3 o'clock this afternoon, I feel sure that you will agree that the meeting be postponed until the same hour (3 o'clock) to-morrow afternoon. Thursday, 9th May, and I hope that you will concur in this change of time which we are convinced is in the interests of all parties.

No. 10.

Letter from the Private Secretary to Lord Pethick-Lawrence to the Presidents of the Congress and the Muslim League, dated 8th May 1946.

With reference to the Secretary of State's letter to you this morning the Cabinet Delegation wish me to send to you the enclosed document which is the paper to which the Secretary of State referred. The Delegation propose that this paper should be discussed at the next meeting to be held on Thursday afternoon at 3 p. m. if that is agreeable to the Congress/Muslim League delegates.

No. 11.

Enclosure with letter of 8th May.

Suggested points for agreement between the Representatives of Congress and the Muslim League.

1. There shall be an All-India Union Government and Legislature dealing with Foreign Affairs, Defence, Communications, Fundamental Rights and having the necessary powers to obtain for itself the finances it requires for these subjects.

2. All the remaining powers shall vest in the Provinces.

3. Groups of Provinces may be formed and such groups may determine the Provincial subjects which they desire to take in common.

4. The groups may set up their own Executive and Legislatures.

5. The Legislature of the Union shall be composed of equal proportions from the Muslim-majority Provinces and from the Hindu-majority Provinces whether or not these or any of them have formed themselves into groups; together with representatives of the States.

6. The Government of the Union shall be constituted in the same proportion as the Legislature.

7. The constitutions of the Union and the groups (if any) shall contain a provision whereby any Province can by a majority vote of its legislative assembly call for a reconsideration of the terms of the constitution after an initial period of 10 years and at 10 yearly intervals thereafter.

For the purpose of such reconsideration a body shall be constituted on the same basis as the original Constituent Assembly and with the same provisions as to voting and shall have power to amend the constitution in any way decided upon.

8. The constitution-making machinery to arrive at a constitution on the above basis shall be as follows:—

A. Representatives shall be elected from each Provincial Assembly in proportion to the strengths of the various parties in that assembly on the basis of 1/10th of their numbers.

B. Representatives shall be invited from the States on the basis of their population in proportion to the representation from British India.

C. The Constituent Assembly so formed shall meet at the earliest date possible in New Delhi.

D. After its preliminary meeting at which the general order of business will be settled it will

divide into three sections, one section representing the Hindu-majority Provinces, one section representing the Muslim-majority Provinces and one representing the States.

F. The first two sections will then meet separately to decide the Provincial constitutions for their group and, if they wish, a group constitution.

F. When these have been settled it will be open to any Province to decide to opt out of its original group and into the other group or to remain outside any group.

G. Thereafter the three bodies will meet together to settle the constitution for the Union on the lines agreed in paragraphs 1—7 above.

H. No major point in the Union constitution which affects the communal issue shall be deemed to be passed by the Assembly unless a majority of both the two major communities vote in its favour.

9. The Viceroy shall forthwith call together the above constitution-making machinery which shall be governed by the provisions stated in paragraph 8 above.

No. 12

Letter from the President of the Muslim League to Lord Pethick-Lawrence, dated 8th May, 1946.

I have now received the letter of your Private Secretary, dated 8th May 1946, and the enclosed document to which you had referred in your earlier letter of 8th May, 1946. It is proposed by you that this "paper" be discussed at the next meeting of the conference to be held on Thursday afternoon at 3 p.m. if this is agreeable to the Muslim League Delegation.

Your proposal embodied in your letter of 27th April 1946 runs as follows:—

"A Union Government dealing with the following subjects:—Foreign Affairs, Defence and Communications. There will be two groups of Provinces, and the other of the predominantly Muslim Provinces, dealing with all other subjects which the Provinces in the respective groups desire to be dealt with in common. The Provincial Governments will deal with all other subjects and will have all residuary sovereign rights."

This matter was to be discussed at Simla and we agreed to attend the Conference on Sunday, 5th May 1946, on the terms of my letter, dated 28th April 1946. You were good enough to explain your formula and then after hours of discussion on the 5th and 6th of May, the Congress finally and definitely turned down the proposed Union confined only to three subjects given with power to levy contribution for financing the Union.

Next, your formula clearly envisaged an agreement precedent between the Congress and the Muslim League with regard to the grouping of Muslim and Hindu Provinces and the formation of two Federations of the grouped Provinces and it followed that there must be two constitution-making machineries. It was on that basis that some kind of Union was suggested in your formula confined only to three subjects and our approval was sought in order to put into this skeleton blood and flesh. This proposal was also categorically turned down by the Congress and the meeting had to be adjourned for the Mission to consider the matter further as to what steps they may take in the matter.

And now the new enclosed document has been sent to us with a view that "this paper should be discussed at the next meeting to be held on Thursday afternoon at 3 p.m." The heading of the paper is "Suggested Points for Agreement Between the Representatives of Congress and the Muslim League". By whom are they suggested, it is not made clear.

We are of the opinion that the new suggested points for agreement are a fundamental departure from the original formula embodied in your letter of 27th April, which was rejected by the Congress.

To mention some of the important points we are now asked to agree that there should be one All-India Union Government in terms of paragraphs 1-7 of this paper, which adds one more subject to be vested in the Union Government, i. e., "Fundamental Rights" and it is not made clear whether the Union Government and Legislature will have power or not to obtain for itself the finances by means of taxation.

In the new "suggestions" the question of grouping of Provinces is left exactly as the Congress spokesmen desired in the course of discussions that have taken place hitherto, and is totally different from your original formula.

That there should be a single constitution-making body, we can never agree to; nor can we agree to the method of formation of constitution making machineries suggested in the paper.

There are many other objectionable features contained in the suggestions which we have not dealt with as we are only dealing with the main points arising out of this paper. In these circumstances, we think, no useful purpose will be served to discuss this paper, as it is a complete departure from your original formula, unless after what we have said above you still desire us to discuss it in the Conference itself tomorrow.

No. 13

Letter from Lord Pethick-Lawrence to the President of the Muslim League, dated 9th May, 1946

I have to acknowledge your letter of yesterday which I have shown to my colleagues. In it you raise a number of issues to which I propose to reply in order.

1. You claim that Congress "finally and definitely turned down the proposed Union confined only to three subjects even with power to levy contribution for financing the Union". This statement is not in accord with my recollection of what took place in the Conference room. It is true that the Congress representatives expressed their view that the limitation was too narrow and argued further that even so limited it necessarily included certain ancillary matters. Up to a point you recognised that there was some force in the argument because you agreed, as I understood, that some power to obtain the necessary finance must be given. There was no final decision on this matter (or of course on any other).

2. Next you claim, if I understand you aright, that our reference to the formation of groups is at variance with the formula in our invitation. I am afraid I cannot accept this view. It is of course a slightly amplified form because it specifies the manner in which the Provinces can decide as to joining any particular group. This amplified form is put forward by us a reasonable compromise between the views of the Muslim League and those originally expressed by Congress against grouping at all.

3. You further take exception to the machinery that we suggest should be set up for making the constitution. I would point out to you however that you yourself in explaining how your two constitution-making bodies would work agreed on Tuesday last in the Conference that they would have to join together in the end to decide the constitution of the Union and you took no exception to their having a preliminary session in common to decide procedure. What we are proposing is in fact precisely the same thing expressed in different words. I am therefore quite at a loss to understand what you have in mind when you use the words "this proposal was also categorically turned down by the Congress".

4. In your next succeeding paragraph you ask who it is that makes the suggestions that are contained in the

document I sent you. The answer is the Cabinet Mission and His Excellency the Viceroy who make them in our endeavour to bridge the gap between the viewpoints of the Congress and the Muslim League.

5. You next take exception to our departing from the original formula in my invitation. I would remind you that in accepting my original invitation neither the Muslim League nor the Congress bound itself to accept in full the original formula, and in my reply of April 29th I wrote these words:—

"We have never contemplated that acceptance by the Muslim League and the Congress of our invitation would imply as a preliminary condition full approval by them of the terms set out in my letter. These terms are our proposed basis for a settlement and what we have asked the Muslim League Working Committee to do is to agree to send its representatives to meet ourselves and representatives of the Congress in order to discuss it." Indeed this is the only sensible attitude because the object of all our discussions is to explore every conceivable possibility of reaching agreement.

6. "Fundamental Rights" were included by us in our suggestions for addition to the list of Union subjects because it seemed to us that it would be of benefit both to the large communities and to the small minorities for them to be put in and accordingly to be worthy of consideration in our conference. As to finance it will of course be quite open to discuss in the Conference the precise significance of the inclusion of this word in its context.

7. Your two following paragraphs are mainly a recapitulation of your previous arguments and have been already dealt with above.

From your last paragraph I understand that though you do not consider in the circumstances that any good purpose would be served by the attendance of the Muslim League delegation at the conference fixed for this after-

noon, you are willing to come if we express a desire that you should do so. My colleagues and I wish to obtain the views of both parties on the document submitted and therefore would be glad to see you at the Conference.

No. 14.

Letter from the President of the Congress to Lord Pethick-Lawrence, dated 9th May, 1946.

My colleagues and I have given the most careful consideration to the memorandum sent by you yesterday suggesting various points of agreement. On the 28th April I sent you a letter in which I explained briefly the Congress view-point in regard to certain "fundamental principles" mentioned in your letter of 27th April. After the first day of the conference, on May 6th, I wrote to you again to avoid any possible misunderstanding regarding the issues being discussed in the conference.

I now find from your memorandum that some of your suggestions are entirely opposed to our views and the views repeatedly declared by the Congress. We are thus placed in a difficult position. It has been and is our desire to explore every avenue for a settlement and a change-over in India by consent, and for this purpose we are prepared to go far. But there are obvious limits beyond which we cannot go if we are convinced that this would be injurious to the people of India and to India's progress as a free nation.

In my previous letters I have laid stress on the necessity of having a strong and organic Federal Union. I have also stated that we do not approve of sub-federations or grouping of Provinces in the manner suggested, and are wholly opposed to parity in executives or legislatures as between wholly unequal groups. We do not wish to come in the way of Provinces or other units co-operating together, if they so choose, but this must be entirely optional.

The proposals you have put forward are meant, we presume, to limit the free discretion of the Constituent Assembly. We do not see how this can be done. We are at present concerned with one important aspect of a larger problem. Any decision on this aspect taken now might well conflict with the decisions we, or the Constituent Assembly, might want to take on other aspects. The only reasonable course appears to us is to have a Constituent Assembly with perfect freedom to draw up its constitution, with certain reservations to protect the rights of minorities. Thus we may agree that any major communal issue must be settled by consent of the parties concerned, or, where such consent is not obtained, by arbitration.

From the proposals you have sent us (S. D. E. F. G.) it would appear that two or three separate constitutions might emerge for separate groups, joined together by a flimsy common super-structure left to the mercy of the three disjointed groups.

There is also compulsion in the early stages for a Province to join a particular group whether it wants to or not. Thus why should the Frontier Province, which is clearly a Congress Province, be compelled to join any group hostile to the Congress?

We realise that in dealing with human beings, as individuals or groups, many considerations have to be borne in mind besides logic and reason. But logic and reason cannot be ignored altogether, and unreason and injustice are dangerous companions at any time and, more especially, when we are building for the future of hundreds of millions of human beings.

I shall now deal with some of the points in your memorandum and make some suggestions in regard to them.

No. 1.—We note that you have provided for the Union to have necessary powers to obtain for itself the finance it requires for the subjects it deals with. We think it should

be clearly stated that the Federal Union must have power to raise revenues in its own right. Further that the Union subject and that is Planning. Planning can only be done effectively at the Centre, though the Provinces and units will give effect to it in their respective areas.

The Union must also have power to take remedial action in cases of breakdown of the constitution and in grave public emergencies.

Nos. 5 and 6.—We are entirely opposed to the proposed parity, both in the Executive and Legislature, as between wholly unequal groups. This is unfair and will lead to trouble. Such a provision contains in itself the seed of conflict and the destruction of free growth. There is no agreement on this or any similar matter, and we are prepared to leave it to arbitration.

No. 7.—We are prepared to accept the suggestion that provision be made for a reconsideration of the constitution after ten years. Indeed the constitution will necessarily provide the machinery for its revision at any time.

The second clause lays down that reconsideration should be done by a body constituted on the same basis as the Constituent Assembly. This present provision is intended to meet an emergency. We expect that the constitution for India will be based on adult suffrage. Ten years hence India is not likely to be satisfied with anything less than adult suffrage to express its mind on all grave issues.

No. 8-A.—We would suggest that the just and proper method of elections, fair to all parties, is the method of proportional representation by single transferable vote. It might be remembered that the present basis of election for the Provincial Assemblies is strongly weighted in

The proportion of 1/10th appears to be too small and will limit the numbers of the Constituent Assembly too much. Probably the number would not exceed 200. In the vitally important tasks the Assembly will have to face, it should have larger numbers. We suggest that at least one-fifth of the total membership of the Provincial Assemblies should be elected for the Constituent Assembly.

No. 8-B.—This clause is vague and requires elucidation. But for the present we are not going into further details.

No. 8-D, E, F, G.—I have already referred to these clauses. We think that both the formation of these groups and the procedure suggested are wrong and undesirable. We do not wish to rule out the formation of the groups if the Provinces so desire. But this subject must be left open for decision by the Constituent Assembly. The drafting and settling of the constitution should begin with the Federal Union. This should contain common and uniform provisions for the Province and other units. The Provinces may then add to these.

No. 8-H.—In the circumstances existing to-day we are prepared to accept some such clause. In case of disagreement the matter should be referred to arbitration.

I have pointed out above some of the obvious defects, as we see them, in the proposals contained in your memorandum. If these are remedied, as suggested by us, we might be in a position to recommend their acceptance by the Congress. But as drafted in the memorandum sent to us I regret that we are unable to accept them. On the whole therefore, if the suggestions are intended to have a binding effect, with all the will in the world to have an agreement with the League, we must repudiate most of them. Let us not run into any evil greater than the one all of us three parties should seek to avoid.

If an agreement honourable to both the parties and favourable to the growth of free and united India cannot

be achieved, we would suggest that an interim Provisional Assembly be formed at once and the matters in dispute concerning the Constituent Assembly between the Congress and the League be referred to an independent tribunal.

AFTER A PROPOSAL BY PANDIT JAWAHARLAL NEHRU THAT AN UMPIRE SHOULD BE APPOINTED TO SETTLE MATTERS OF DIFFERENCE BETWEEN THE PARTIES TO THE CONFERENCE, UNDERSTANDING THAT THERE WAS A LIKELIHOOD OF AGREEMENT AN ON UMPIRE BETWEEN THE PARTIES. WAS ADJOURNED AND THE FOLLOWING CORRESPONDENCE PASSED BETWEEN THE PARTIES

NO 15.

Letter from Pandit Jawaharlal Nehru to the President of the Muslim League, dated 10th May, 1946.

In accordance with our decision yesterday at the Conference, my colleagues have given a good deal of thought to the choice of a suitable umpire. We have felt that it would probably be desirable to exclude Englishmen, Hindus, Muslims and Sikhs. The field is thus limited. Nevertheless we have drawn up a considerable list from which a choice can be made. I presume that you have also, in consultation with your executive, prepared a list of possible umpires. Would you like these two lists to be considered by us, that is, by you and me? If so, we can fix up a meeting for the purpose. After we have met, our recommendation can be considered by the eight of us, that is, the four representatives of the Congress and the four representatives of the Muslim League, and a final choice can be made, which we can place before the Conference when it meets tomorrow.

NO. 16.

Letter from the President of the Muslim League to Pandit Jawaharlal Nehru, dated May 10th, 1946.

I received your letter of 10th May at 6 p.m. At yesterday's meeting between you and me at the Viceregal Lodge, we discussed several points besides the

king of an umpire. After a short discussion came to the conclusion that we will further examine your proposal made by you at the Conference yesterday, with all its implications after your and my consulting our respective colleagues.

I shall be glad to meet you to consider the various aspects of your proposal any time that may suit you tomorrow morning after 10 o'clock.

No. 17.

Letter from Pandit Jawaharlal Nehru to the President of Muslim League, dated May 11th, 1946.

Your letter of May 10th reached me at ten last night.

During the talk we had at Viceregal Lodge, you referred to various matters besides the choice of an umpire and I gave you my reactions in regard to them. But I was under the impression that the proposal to have an umpire had been agreed to and our next business was to suggest names. Indeed it was when some such agreement was reached in the Conference that we had our talk. My Colleagues have proceeded on this basis and prepared a list of suitable names. The Conference will expect us to tell them this afternoon, the name of the umpire we fix upon, or at any rate to place before them suggestions in this behalf.

The chief implication in having an umpire is to agree to accept his final decision. We agree to this. We suggest that we might start with this and report accordingly to the Conference.

As suggested by you, I shall come over to your place of residence at about 10-30 this morning.

No. 18.

Letter from the President of the Muslim League to Pandit Jawaharlal Nehru, dated May 11th, 1946.

I am in receipt of your letter of the 11th May.

During the talk we had at the Viceregal Lodge, which lasted for about fifteen or twenty minutes, I pointed out

various aspects and implications of your proposal and we had a discussion for a little while, but no agreement was arrived at between you and me on any point except that at your suggestion that you consult your colleagues and I should do likewise, we adjourned to meet again the next day to further discuss the matter.

I shall be glad to meet you at 10-30 this morning for a further talk.

No. 19.

Memorandum by the President of the Muslim League embodying minimum demands by way of an offer, in accordance with the Conference decision, dated 12th May 1946. (Copies sent to the Cabinet Delegation and the Congress.)

PRINCIPLES TO BE AGREED TO AS OUR OFFER

1. The six Muslim Provinces (Punjab, N.-W.F.P., Baluchistan, Sind, Bengal and Assam) shall be grouped together as one group and will deal with all other subjects and matters except Foreign Affairs, Defence and Communications necessary for Defence, which may be dealt with by the Constitution-making bodies of the two groups of Provinces—Muslim Provinces (hereinafter named Pakistan Group) and Hindu Provinces—sitting together.

2. There shall be a separate Constitution-making body for the six Muslim Provinces named above, which will frame Constitutions for the Group and the Provinces in the Group and will determine the list of subjects that shall be Provincial and Central (of the Pakistan Federation) with residuary sovereign powers vesting in the Provinces.

3. The method of election of the representatives to the Constitution-making body will be such as would secure proper representation to the various communities in proportion to their population in each Province of the Pakistan Group.

4. After the Constitutions of the Pakistan Federal Government and the Provinces are finally framed by the

Constitution-making body, it will be open to any Province of the Group to decide to opt out of its Group, provided the wishes of the people of that Province are ascertained by a referendum to opt out or not.

5. It must be open to discussion in the joint Constitution-making body as to whether the Union will have a Legislature or not. The method of providing the Union with finance should also be left for decision of the joint meeting of the two Constitution-making bodies, but in no event shall it be by means of taxation.

6. There should be parity of representation between the two Groups of Provinces in the Union Executive and the Legislature, if any.

7. No major point in the Union Constitution which affects the communal issue shall be deemed to be passed in the joint Constitution-making body, unless the majority of the members of the Constitution-making body, of the Hindu Provinces and the majority of the members of the Constitution making body of the Pakistan Group, present and voting, are separately in its favour.

8. No decision, legislative, executive or administrative, shall be taken by the Union in regard to any matter of controversial nature, except by a majority of three-fourths.

9. In Group and Provincial Constitutions fundamental rights and safeguards concerning religion, culture and other matters affecting the different communities will be provided for.

10. The Constitution of the Union shall contain a provision whereby any Province can, by a majority vote of its Legislative Assembly, call for reconsideration of the terms of the Constitution, and will have the liberty to secede from the Union at any time after an initial period of ten years.

These are the principles of our offer for a peaceful and amicable settlement and this offer stands in its entirety and all matters mentioned herein are interdependent.

Points suggested on behalf of the Congress as a basis for agreement, 12th May, 1946.

1. The Constituent Assembly to be formed as follows:—

(i) Representatives shall be elected by each Provincial Assembly by proportional representation (single transferable vote). The number of members of the Assembly and they may be members of the Assembly or others.

(ii) Representatives from the States on the basis of their population in proportion to the representation from British India. How these representatives are to be chosen is to be considered later.

2. The Constituent Assembly shall draw up a constitution for the Federal Union. This shall consist of an All-India Federal Government and Legislature dealing with Foreign Affairs, Defence, Communications, Fundamental Rights, Currency, Customs and Planning, as well as such other subjects as on closer scrutiny, may be found to be intimately allied to them. The Federal Union will have necessary powers to obtain for itself the finances it requires for these subjects and the power to raise revenues in its own right. The Union just also have power to take remedial action in cases of breakdown of the constitution and in grave public emergencies.

3. All the remaining powers shall vest in the Provinces or Units.

4. Groups of Provinces may be formed and such groups may determine the Provincial subjects which they desire to take in common.

5. After the Constituent Assembly has decided the constitution for the All-India Federal Union as laid down in paragraph 2 above, the representatives of the Provinces may form groups to decide the Provincial constitutions for their group and, if they wish, a group constitution.

6. No major point in the All-India Federal Constitution which affects the communal issue shall be deemed to be passed by the Constituent Assembly unless a majority of the members of the community or communities concerned present in Assembly and voting are separately in its favour. Provided that in case there is no agreement on any such issue, it will be referred to arbitration. In case of doubt as to whether any point is a major communal issue, the Speaker will decide, or, if so desired, it may be referred to the Federal Court.

7. In the event of a dispute arising in the process of constitution-making, the specific issue shall be referred to arbitration.

8. The constitution should provide machinery for its revision at any time subject to such checks as may be devised. If so desired, it may be specifically stated that this whole constitution may be reconsidered after ten years.

No. 21

Note by the Congress on the principles to be agreed upon as suggested on behalf of the Muslim League, dated 12th May 1946.

The approach of the Muslim League is so different from that of the Congress in regard to these matters that it is a little difficult to deal with each point separately without reference to the rest. The picture as envisaged by the Congress is briefly given in a separate note. From consideration of this note and the Muslim League's proposals the difficulties and the possible agreement will become obvious.

The Muslim League's proposals are dealt with below briefly:—

(1) We suggest that the proper procedure is for one Constitution-making body or Constituent Assembly to meet for the whole of India and later for groups to be formed if so desired by the Provinces concerned. The matter should be left to the Provinces and if they wish to function as a group they are at liberty to do so and to frame their own constitution for the purpose.

In any event Assam has obviously no place in the group mentioned, and the North-West Frontier Province, as the elections show, is not in favour of this proposal.

(2) We have agreed to residuary powers, apart from the central subjects, vesting in the Provinces. They can make such use of them as they like and, as has been stated above, function as a group. What the ultimate nature of such a group may be cannot be determined at this stage and should be left to the representatives of the Provinces concerned.

(3) We have suggested that the most suitable method of election would be by single transferable vote. This would give proper representation to the various communities in proportion to their present representation in the legislatures. If the population proportion is taken, we have no particular objection, but this would lead to difficulties in all the Provinces where there is weightage in favour of certain communities. The principle approved of would necessarily apply to all the Provinces.

(4) There is no necessity for opting out of a Province from its group as the previous consent of the Provinces is necessary for joining the group.

(5) We consider it essential that the Federal Union should have a Legislature. We also consider it essential that the Union should have power to raise its own revenue.

(6 and 7). We are entirely opposed to parity of representation as between groups of Provinces in the Union executive or legislature. We think that the

provision to the effect that no major communal issue in the Union constitution shall be deemed to be passed by the Constituent Assembly unless a majority of the members of the community or communities concerned present and voting in the Constituent Assembly are separately in its favour, is a sufficient and ample safeguard of all minorities. We have suggested something wider and including all communities than has been proposed elsewhere. This may give rise to some difficulties in regard to small communities, but all such difficulties can be got over by reference to arbitration. We are prepared to consider the method of giving effect to this principle so as to make it more feasible.

(8) This proposal is so sweeping in its nature that no government or Legislature can function at all. Once we have safeguarded major communal issues other matters, whether controversial or not, require no safeguard. This will simply mean safeguarding vested interests of all kinds and preventing progress, or indeed any movement in any direction. We therefore, entirely disapprove of it.

(9) We are entirely agreeable to the inclusion of Fundamental Rights and safeguards concerning religion, culture and like matters in the constitution. We suggest that the proper place for this is the All-India Federal Union constitution. There should be uniformity in regard to these Fundamental Rights all over India.

(10) The constitution of the Union will inevitably contain provisions for its revision. It may also contain a provision for its full reconsideration at the end of ten years. The matter will be open then for a complete reconsideration. Though it is implied, we would avoid reference to secession as we do not wish to encourage this idea.

The statement of the Cabinet delegation affirms the basic principle of provincial autonomy and residuary powers vesting in the provinces. It is further said that provinces should be free to form groups. Subsequently, however, it is recommended that provincial representatives will divide up into sections which shall proceed to settle the provincial constitutions for the provinces in each section and shall also decide whether any group constitution shall be set up for those provinces.

There is a marked discrepancy in these two separate provisions, and it would appear that a measure of compulsion is introduced which clearly infringes the basic principle of provincial autonomy.

In order to retain the recommendatory character of the statement, and in order to make the clauses consistent with each other, the Committee read paragraph 15 to mean that, in the first instance, the respective provinces shall make their choice whether or not to belong to the section in which they are placed. Thus, the Constituent Assembly must be considered as a sovereign body, with final authority for the purpose of drawing up a constitution and giving effect to it.

The provisions in the Statement in regard to the Indian states are vague and much has been left for future decision. The Working Committee would, however, like to make it clear that the Constituent Assembly cannot be formed of entirely disparate elements, and the manner of appointing State representatives for the Constituent Assembly must approximate, in so far as is possible, to the method adopted in the Provinces.

The Committee are gravely concerned to learn that even at this present moment some State Governments are attempting to crush the spirit of their people with the help of the armed forces. These recent developments in the States are of great significance in the present and for the future of India, as they indicate that there is no real change of policy on the part of some of the State Governments and of those who exercise paramountcy.

A Provisional National Government must have a new basis and must be a precursor of the full independence that will emerge from the Constituent Assembly. It must function in recognition of that fact, though changes in law need not be made at this stage.

The Governor-General may continue as the head of that Government during the interim period but the Government should function as a cabinet responsible to the Central Legislature. The status powers and composition of the provisional Government should be fully defined in order to enable the committee to come to a decision. Major communal issues shall be decided in the manner referred to above in order to remove any possible fear or suspicion from the minds of a minority.

The Working Committee consider that the connected problems involved in the establishment of a Provisional Government and a Constituent Assembly should be viewed together so that they may appear as parts of the same picture, and there may be co-ordination between the two, as well as an acceptance of the independence that is now recognised as India's right and due. It is only with the conviction that they are engaged in building up a free, great and independent India, that the Working Committee can approach this task and invite the co-operation of all the people of India. In the absence of a full picture, the Committee are unable to give a final opinion at this stage.

CABINET MISSION'S CLARIFICATION

The Delegation have considered the statement of the President of the Muslim League, dated May 22, and the resolution, dated May 24, of the Working Committee of the Congress.

The position is that since the Indian leaders, after prolonged discussion, failed to arrive at an agreement, the Delegation put forward their recommendations as the nearest approach to reconciling the views of the two main parties. The scheme stands as a whole and can only succeed if it is accepted and worked in a spirit of co-operation.

The Delegation wish also to refer, briefly, to a few points that have been raised in the statement and the resolution.

The authority and the functions of the Constituent Assembly, and the procedure, which it is intended to follow, are clear from the Cabinet Delegation's statement. Once the Constituent Assembly is formed and starts working on this basis, there is no intention of interfering with its discretion or questioning its labours. His Majesty's Government will recommend to Parliament such action as may be necessary for the cession of sovereignty to the Indian people, subject only to two matters which are mentioned in the statement and which, we believe, are not controversial, namely, adequate provision for the protection of the minorities (paragraph 20 of the statement) and willingness to conclude a treaty with His Majesty's Government to cover matters arising out of the transfer of power (paragraph 22 of the statement).

It is a consequence of the system of election that a few Europeans can be elected to the Constituent Assembly.

by. Whether the right so given will be exercised is a matter for them to decide.

The representative of Baluchistan will be elected in a joint meeting of the Shahi Jirga and the non-official members of the Quetta Municipality.

In Coorg the whole Legislative Council will have the right to vote, but the official members will receive instructions not to take part in the election.

The interpretation put by the Congress resolution on paragraph 15 of the statement to the effect that the provinces can, in the first instance, make the choice whether or not to belong to the section in which they are placed does not accord with the Delegation's intentions. The reasons for the grouping of the provinces are well-known and this is an essential feature of the scheme and can only be modified by agreement between the parties. The right to opt out of the groups after the constitution-making has been completed will be exercised by the people themselves, since at the first election under the new provincial constitution this question of opting out will obviously be a major issue and all those entitled to vote under the new franchise will be able to take their share in a truly democratic decision.

The question of how the States representatives should be appointed to the Constituent Assembly is clearly one which must be discussed with the States. It is not a matter for decision by the Delegation.

It is agreed that the interim Government will have a new basis. That basis is that all portfolios, including that of the War Member, will be held by Indians; and that the members will be selected in consultation with the Indian political parties. These are very significant changes in the Government of India, and a long step towards independence. His Majesty's Government will recognise the effect of these changes, will attach the fullest weight to them, and will give to the Indian Government the greatest possible freedom in the exercise of the day-to-day administration of India.

As the Congress statement recognises, the present constituent must continue during the interim period; and the interim Government cannot, therefore, be made legally responsible to the Central Legislature. There is, however, nothing to prevent the members of the Government, individually or by common consent, from resigning, if they fail to pass an important measure through the legislature, if a vote of no-confidence is passed against them.

There is of course, no intention of retaining British troops in India against the wish of an independent India under the new constitution; but during the interim period, which, it is hoped, will be short, the British Parliament has, under the present constitution, the ultimate responsibility for the security of India and it is necessary, therefore, that British troops should remain.

SECRETARY OF STATE'S MESSAGE

The following is the text of the broadcast made by the Secretary of State for India, Lord Pethick-Lawrence, from New Delhi following the publication of the British proposals for the future constitution of India :

The words which I shall speak to you are concerned with the future of a great people—the people of India. There is a passionate desire in the hearts of Indians expressed by the leaders of all their political parties for independence.

His Majesty's Government and the British people as a whole are fully ready to accord this independence whether within or without the British Commonwealth and hope that out of it will spring a lasting and friendly association between our two peoples on a footing of complete equality.

Nearly two months ago I, as Secretary of State for India, and my two Cabinet colleagues, Sir Stafford Cripps and Mr. A. V. Alexander, were sent out by His Majesty's Government to India to assist the Viceroy in setting up in India the machinery by which Indians can devise their own constitution.

We were at once confronted with a major obstacle. The two principal parties—the Muslim League who won the great majority of the Muslim seats in the recent elections, and the Congress who won the majority of all the others—were opposed to one another as to the kind of machinery to be set up. The Muslim League claimed that British India should be divided into two completely separate sovereign states and refused to take part in constitution-making unless this claim was conceded in advance. Congress insisted on one single united India.

During our stay in India we have tried by every means to secure such accommodation between the parties as would enable constitution-making to proceed. Recently we were able to bring them together at Simla in a conference with ourselves but though both sides were prepared to make substantial concessions, it was not found possible to reach

complete agreement. We have therefore been compelled ourselves to seek for a solution which by securing the main objects of both parties will enable constitution-making machinery to be brought into immediate operation.

While we recognize the reality of the fear of Muslim League that in a purely unitary India their community with its own culture and way of life might become submerged in a majority Hindu rule we do not accept the setting up of a separate Muslim sovereign state as a solution of the communal problem. Pakistan, as the Muslim League would call their state, would not consist solely of Muslims; it would contain a substantial minority of other communities which would average over 40 per cent and, in certain wide areas, would even constitute a majority, as for instance in the city of Calcutta where the Muslims form less than one-third of the population.

Moreover the complete separation of Pakistan from the rest of India would in our view gravely endanger the defence of the whole country by splitting the army into two and by preventing that defence in depth which is essential in modern war. We therefore do not suggest the adoption of this proposal.

Our own recommendations contemplate a constitution of three tiers at the top of which would be Union of India with an executive and legislature empowered to deal with the essential subjects of external affairs, defence and communications and the finance necessary for these services. At the bottom would be the provinces which would have, apart from the subjects I have just named, complete autonomy.

But we contemplate further that provinces will wish to unite together in groups to carry out, in common, services covering a wider area than that of a single province; and these groups may have, if they wish, legislatures and executives which in that event will be intermediate between those of the provinces and those of the Union.

On this basis which makes it possible for the Muslims to secure the advantages of a Pakistan with-

out incurring the dangers inherent in the division of India we invite Indians of all parties to take part in framing a constitution. The Viceroy will accordingly summon to New Delhi representatives of British India who will be elected by the members of the provincial legislatures in such a way that as nearly as possible for each one million of the population there will be one representative, and that the proportion between the representatives of the main communities will be on the same basis.

After a preliminary meeting in common, these representatives of the provinces will divide themselves up into three sections, the composition of which is laid down and which, if the provinces ultimately agree, will become the three groups. These sections will decide upon provincial and group matters. Subsequently they will re-unite to decide upon the constitution for the Union. After the first elections under the new constitution, provinces will be free to opt out of the group into which they have been provisionally placed.

We appreciate that this machinery does not of itself give any effective representation to other than the principal minorities and we are therefore providing for a special committee to be set up, in which the minorities will play a full part. The business of this committee will be to formulate fundamental and minority rights and to recommend their inclusion in the constitution at the appropriate level.

So far I have said nothing about the Indian States which comprise a third of the area of India and contain about one quarter of the whole population. These States at present are each separately governed and have individual relationships with the British Crown. There is general recognition that when British India attains independence the position of these States cannot remain unaffected, and it is anticipated that they will wish to take part in the constitution-making process and be represented in the All-India Union. It does not however lie within our province to decide these matters in advance as they will have to be the subject of negotiation with the States before action can be taken.

During the making of the constitution, the administration must be carried on and we attach therefore the greatest

importance to the setting up at once of an Interim Government having in the support of the major political parties. The Viceroy has already started discussions to this end and he hopes to bring them shortly to a successful issue.

During the interim period the British Government, recognizing the significance of the changes in the Government of India, will give the fullest measure of co-operation to the Government so formed in the accomplishment of its tasks of administration and in bringing about as rapid and smooth a transition as possible.

The essence of statecraft is to envisage the probable course of future events but no statesmen can be wise enough to frame a constitution which will adequately meet all the requirements of an unknown future. We may be confident therefore that the Indians on whom falls the responsibility of creating the initial constitution will give it a reasonable flexibility and will make provision for it to be revised and amended as required from time to time.

In this short talk you will not expect me to go into further details regarding our proposals which you can read in the statement which has been released for publication this evening.

But in conclusion, I will repeat and emphasize what to me is the fundamental issue. The future of India and how that future is inaugurated, are matters of vital importance not only to India herself but to the whole world. If a great new sovereign state can come into being in a spirit of mutual good-will both within and without India, that of itself will be an outstanding contribution to world stability.

The Government and people of Britain are not only willing, they are anxious to play their full part in achieving this result. But the constitution for India has to be framed by Indians and worked by Indians when they have brought it into being. We appreciate to the full the difficulties which confront them in embarking on this task. We have done and we will continue to do all that lies in our power to help them to overcome these difficulties. But the responsibility and the opportunity is theirs and in their fulfilment of it we wish them godspeed.

TO PEOPLE OF INDIA

His Excellency's, the Viceroy's Broadcast

I speak to the people of India at the most critical hour of India's history. The statement of the Cabinet Delegation containing their recommendations has now been before you for twenty-four hours. It is a blue-print for freedom, an outline of which your representatives have to fill in the details and construct the building.

You will have studied the statement, most of you, and may perhaps already have formed your opinion on it. If you think that it shows a path to reach the summit at which you have been aiming for so long, the independence of India, I am sure you will be eager to take it. If you should have formed the view—I hope you have not—that there is no passage that way. I hope that you will study again the route indicated to you, and see whether the difficulties in the path—and we know they are formidable—cannot be surmounted by skill and patience and boldness.

I can assure you of this, that very much hard work, very much earnest study, very much anxious thought, and all the goodwill and sincerity at our command have gone to the making of these recommendations. We would much have preferred that the Indian leaders should have themselves reached agreement on the course to be followed, and we have done our best to persuade them; but it has not been found possible, in spite of concessions on both sides which at one time promised results.

These proposals put before you are obviously not those that any one of the parties would have chosen if left to itself but I do believe that they offer a reasonable and workable basis on which to found India's future constitution. They preserve the essential unity of India which is threatened by the dispute between the two major communities; and in especial they remove the danger of the disruption of that great

fellowship the Indian Army, to which India already owes so much and on whose strength, unity and efficiency her future security will depend. They offer to the Muslim community the right to direct their own essential interests, their religion, their education, their culture, their economic and other concerns in their own way and to their own best advantage. To another great community, the Sikhs, they preserve the unity of their homeland, the Punjab, in which they have played and can still play so important and influential a part. They provide, in the Special Committee which forms a feature of the Constitution-making machinery, the best chance for the smaller minorities to make their needs known and to secure protection for their interests. They seek to arrange a means for the Indian States, great and small, to enter by negotiation into the polity of a united India. They offer to India the prospect of peace—a peace from party strife, the peace so needed for all the constructive work there is to do. And they give you the opportunity of complete independence so soon as the Constituent Assembly has completed its labours.

I would like to emphasize the constructive work to be done. If you can agree to accept the proposals in the Statement as a reasonable basis on which to work out your Constitution, then we are able at once to concentrate all the best efforts and abilities in India on the short-term problems that are so urgent. You know them well—the immediate danger of famine to be countered, and measures taken to provide more food for everyone in future years; the health of India to be remedied; great schemes of wider education to be initiated; roads to be built and improved; and much else to be done to raise the standard of living of the common man. There are also great schemes in hand to control India's water supplies, to extend irrigation, to provide power, to prevent floods; there are factories to be built and new industries to be started; while in the outside world India has to take her place in international bodies, in which her representatives have already established a considerable reputation.

It is therefore my earnest desire that in these critical times ahead, in the interim period while the new Constitution is being built, the Government of India should be in

ne hands of the ablest of India's leaders, men recognised such by the Indian people, whom they will trust to further their interests and bring them to their goal:

As said in the Statement, I am charged with the responsibility to form such a Government as soon as possible, to direct the affairs of British India in the Interim period. There will be no doubt in the minds of anyone, I hope, now great a step forward this will be on India's road to self-government. It will be a purely Indian Government except for its head, the Governor-General; and will include, if I can get the men I want, recognised leaders of the main Indian parties, whose influence, ability and desire to serve India are unquestioned.

Such a Government must have a profound influence and power not only in India, but also in the outside world. Some of the best ability in India, which has hitherto been dependent in opposition, can be harnessed to constructive work. These men can be the architects of the new India.

No constitution and no form of Government can work satisfactorily without goodwill; with goodwill and determination to succeed even an apparently illogical arrangement can be made to work. In the complex situation that faces us there are four main parties: the British; the two main parties in British India, Hindus and Muslims; and the Indian States. From all of them very considerable change of their present outlook will be required as a contribution to the general good, if this great experiment is to succeed. To make concession in ideas and principles is a hard thing and not easily palatable. It requires some greatness of mind to recognise the necessity, much greatness of spirit to make the concession. I am sure that this will not be found wanting in India, as I think you will admit that it has not been found wanting in the British people in this offer.

I wonder whether you realise that is the greatest and most momentous experiment in Government in the whole history of the world—a new Constitution to control the

found. This has, however, not been found possible, although both parties have, for the sake of goodwill, modified their views to a considerable extent.

"The British Government, therefore, having failed to get the two principal political parties to agree, has decided that it is their duty to the people of India to lay down what shall be done in order to give India her independence as soon as possible in an orderly and peaceful manner, so that the mass of the people may be put to the least inconvenience and disturbance.

"In making these arrangements, the British Government has tried to ensure justice and freedom for the smaller as well as for the large sections of the people of India.

"The British Government realises that the Muslims have a real fear that they may be forced to live for always under a Hindu Government and that any new form of Government must be such as to make this fear groundless for all time.

"With this in view, the possibility of setting up a completely separate and independent Muslim State of Pakistan has been most carefully considered from every point of view and without any partiality at all.

"As a result of this examination the British Government has been forced to conclude that the setting up of completely independent states not linked together in any way would not result in a settlement of the differences between Hindu and Muslim.

"The setting up of two or more independent Governments would also, in their opinion, result in great loss and danger to India in the future.

"They, therefore, cannot agree to divide India into separate states, though they do think that some way must be found for the predominantly Muslim areas to govern themselves if they wish to do so and to live their own lives. This is also recognised by the Hindus and the Congress party.

"The British Government, therefore, have approved neither the setting up of completely separate states nor the retention of all power at the centre. They consider that although the different areas should have a large measure of independence if the people desire it, the responsibility for the Army, Navy and Air Force and for the defence of the whole of India in War, must rest with one authority for the whole of India.

"Apart from this, they have accepted the principle that each Province or Group of Provinces may have full powers to manage its own affairs as desired by its own people without interference from the centre.

"These proposals are meant to ensure that all creeds and classes shall have their way in how they are to be governed and also to prevent any one section of the people being forced to live under the rule of any other section, without being sure that they will have the right to live their lives in their own way without fear or persecution.

"The details of this new system of Government for India must be worked out by the people of India themselves. It is not the task of the British Government to do this.

"To carry on the administration of the country while a new system of Government is worked out the Viceroy proposes to form an interim Government composed of himself and of leaders of Indian political opinion who have the confidence of the people.

"In this temporary Government the post of War Member (that is myself) will be held by a civilian who will be an Indian. I shall continue to be responsible for the command and welfare of the Army, Navy and Air Force but all political matters will be in the hands of the new War Member under whom I shall serve, just as the commanders in Britain serve under civilian ministers.

"While this temporary Government carries on the daily business of governing the country, it is proposed that there should be set up three assemblies composed of representatives of all parties and creeds and classes, and elected by the Provincial Legislatures.

"It will be the task of these three assemblies together with representatives from the Indian States to decide how India will be governed in the future.

"The British Government hope that in this way peace and security will come to India under the rule of her own leaders and that she will become great and prosperous as she deserves.

"While these discussions and meetings are going on it is the duty of the Navy, Army and Air Force to continue to serve the Government and to carry out its orders.

"As I have said, this temporary Government will be an Indian Government composed of members chosen from the leaders of the main political parties in the country who have the full confidence of the people.

"There is no doubt that today there is danger of strife and disorder in the country. Whether you are in the Army, the Navy or the Air Force, you all know the good that comes from discipline and toleration. You have also learned to live together, Hindu, Muslim, Sikh and Christian, in the service of your country without quarrelling or jealousy.

"You have learned each to respect the other and to work side by side for one object—the good of your country.

"In this you have set an example to all India. "I trust you, as I have always trusted you to go on setting this example and to do your duty, as you have always done it in war and peace.

"I for my part shall do the same. So long as I am here you may rely on me to safeguard your interest in the future as in the past."

PROPOSALS EXPLAINED

Lord Pethick Lawrence's Press Conference

The question of the right of the provinces vis a vis the proposed Union was one of about a hundred questions, which the Secretary of State for India, Lord Pethick-Lawrence, answered, at a two hours press conference on May 17 at new Delhi.

He was asked: "Just as the provinces have the right to drop out of the groups, will they have the right to secede from the India Union, say, within two years?"

Lord Pethick-Lawrence replied: "They will not have the right to drop out in a period of two years. What they will have the right to do is to ask for a revision of the constitution at the end of ten years."

Question:—"Supposing Assam, which has a Congress ministry, decided not to come into group with Bengal, which has a Muslim League ministry, would Assam be allowed to join any other group?"

Answer:—"The right to drop out comes later. For this reason, that the whole picture should be understood before the option is exercised."

Question:—"Can a province, if it drops out of one section, go into another section?"

Lord Pethick-Lawrence replied that if the right was given to a province to go into another section and that other section did not want to receive it, a rather awkward situation would arise. An answer to the question was not laid down in the statement, but it would be open to the Constituent Assembly to deal with it at the appropriate time.

Question:—"If any province does not wish to join the group in which it has been put, can it stay out?"

Answer:—"The provinces automatically come into the sections 'A', 'B' and 'C' which are set out in the statement. Initially they are in the particular sections to which they are allocated in the statement and that particular section will decide whether a group shall be formed and what should be the constitution. The right to drop out of the group formed by that section arises, after the constitution has been framed and the first election to the legislature has taken place after that constitution. It does not arise before that."

Question:—"There is a provision whereby any province could, by a majority vote of its Legislative Assembly, call for a reconsideration after an initial period of ten years. Is there included in the words 'call for a reconsideration of the terms of the Constitution' any right to have secession considered?"

Answer:—"If you revise the constitution, quite clearly the whole basis of the constitution can be considered again. Any province can ask for a revision of the constitution and so far as I can see, when that revision is undertaken, all questions in the constitution are open to rediscussion."

Question:—"If the provinces in section 'B' which formed a Muslim majority area, decided to form a group but would not come into the Union what would be the position?"

Answer:—"It would be a breach of the condition under which all these people met together for the purpose of making the constitution and, therefore, the constitution-making machinery would breakdown, if it was persisted in. That is contrary to the understanding on which these people came together. If they are coming together on an understanding, presumably honourably accepting the major premise, and if they were to refuse that later on, it will be a breach of the understanding and we do not contemplate such a thing."

Question:—"Could the provinces in section 'B' at the end of ten years decide to be a separate sovereign state?"

Answer:—"If the constitution is being revised, of course, all proposals for its revision will be open for discussion. Whether they would be carried through is quite another question."

Question:—"Supposing a group decides not to come into the Union Constituent Assembly, what would be the position as far as that group is concerned?"

Answer:—"This is a purely hypothetical question. You cannot judge exactly what would be done in the event or people not co-operating out there is every intention to proceed with the constitution-making machinery, as it is set out in the statement. What will happen if one person or any person or groups of people in some way tried to put spanners in the wheels. I am not prepared at this stage precisely to say, but the intention is to get on with the job."

Question:—"Can the Provincial Assemblies elect people from outside their membership?"

Answer:—"Yes, that is not excluded under the terms of the statement."

Question:—"Does the ten-year period set for revision of the constitution mean that the Union constitution is inevitable for ten years?"

Answer:—"What it does mean is that the Constituent Assembly will lay down provisions for the revision of the constitution. This is in accordance with what is taking place in a great many other cases in the world. Their must be some provision for revision. Precisely what the conditions of revision are is a matter for the Constituent Assembly to decide. I do not think I can go further into that."

Question:—"Will it be open to the Constituent Assembly to endow the Union with all powers of taxation, including customs, incom-tax and other taxes."

Lord Pethick-Lawrence replied that the statement left it open to the Constituent Assembly to interpret the

words relating to finance, subject to the condition that any resolution raising a major communal issue should require a majority of the representatives present and voting of each of the two major communities. Subject to that and subject to alterations in the basic formula, a bare majority in the Constituent Assembly could carry a proposal."

Lord Pethick-Lawrence said that the question of including currency in the central list could be discussed, if necessary, in the constitution-making body.

Replying to a number of questions on Indian States, the Secretary of State reiterated that paramountcy would continue in the interim period. He stated that the Mission had already received indications from most of the principal States and representatives of large bodies of other States, that they had no desire to impede the progress of India towards self-government and independence and that they wanted to co-operate in it.

As regards the position of the India Office during the interim period, Lord Pethick-Lawrence said that for months now India Office had been proceeding on the assumption that the time would come when great changes would be made in India and the whole position of the India Office would be altered. Its vast administrative machine would, however, be at the disposal of the new constitution in India.

Question: "If the constitution-making body decides that as a preliminary to proceeding with its work, British troops should be withdrawn, will they be withdrawn?"

Answer: "I think that is a misunderstanding of the situation. Some one must be responsible for law and order in the country. In the provinces, the Indian Governments are really responsible for law and order, but the ultimate responsibility rests with the Government of India. We are anxious to transfer that at the earliest possible moment, but we must transfer it to a properly-constituted Government. When that time comes, we will make the transfer."

Question: "What will be the next stage of activity of the Cabinet Delegation?"

Answer: "The first thing is to get this plan accepted by the two main communities and I hope that will be carried through as soon as possible."

Question: "What will be the percentage of Muslims in the interim Government?"

Answer: "The question of the interim Government is not for us to decide; it is primarily a question for the Viceroy."

Question: "During the interim period, will the Viceroy's veto be exercised as it is at present?"

Answer: "That is a question for the Viceroy and he is now negotiating with the parties."

Lord Pethick-Lawrence said that the division into three main communities—General, Muslim and Sikh—had not been made in consultation with any party. "This statement is our own and does not represent necessarily the opinion of anybody in India. But it is put out after we have discussed all these matters with different Indians and it is our attempt to reach the most likely method which will be accepted by the different parties."

Question: "Has the Congress agreed to this?"

Answer: "We have not put this out on the basis that anybody has agreed on anything. It is our statement."

There were a number of questions based on Mr. Churchill's speech in the House of Commons.

Question: "Is Mr. Churchill correct in suggesting that the shifting of the onus of deciding the future constitution from Indians to H.M.G. in an unfortunate step going beyond the understood purpose and mandate of the mission?"

Answer: "There has been no shifting of the onus of deciding the constitution. If we could have arranged by

agreement between the parties in India the basis of a constitution-making body on that basis. We believe that it is in accord with the wish not only of Indians, but of the majority of our own people at home."

Question: "What legislative steps will be required for setting up the interim Government the creation of the new constitution and abrogation of the King's title of Emperor of India."

Ans: So far as the first two are concerned, no legislative steps are necessary at all. So far as the ultimate step is concerned that is a matter of constitution law and cannot answer off-hand. So far as I know, speaking without consideration, I was not at all sure that a precise statute will be required for it, but I should not like that to be taken as final. There will naturally have to be a debate in Parliament and some legislative step will have to be taken with the consent of His Majesty the King. But do not contemplate any difficulty about all that. The present Labour Government is in a considerable working majority in the House of Commons and I do not imagine any serious difficulty in carrying it through.

Question: Do you agree with Mr. Churchill when he implies that you have laboured not to gain an empire but to cast it away?

Ans: I can only say that what we are doing to-day is in accord with the views that have been expressed through by the really great statement in our country and nothing can redound more to the highest traditions of liberty which prevail in my country than it as a result of our labours we have in the years come a sovereign country here in India, whose relationship with ours is one of friendliness and equality in the days to come.

ENORMOUS TASKS FACING INDIA

Sir Stafford Cripps Explains

Explaining the Cabinet Mission's statement at a press conference, on May 16 which was also attended by Lord Pethick-Lawrence and Mr. A. V. Alexander, Sir Stafford Cripps said: We hope from the bottom of our hearts that the Indian people will accept this statement in the spirit of co-operation in which it has been drawn up and that within a week or two the process of constitution-making may begin and the interim Government may be formed.

Lord Pethick-Lawrence, Secretary of State for India, joined Sir Stafford in stressing "the determination of the British people as a whole to do everything in their power to assist you in securing a constitution which will enable your future to be great in the annals of your country and in the history of the world."

"You have heard two broadcasts on the statement and you have the document before you. This evening the members of the Mission wanted an opportunity to meet you to give you a few words of explanation and to-morrow we shall be meeting you again to answer questions which you may have to put.

I will make a few remarks about the statement while we are waiting for the Secretary of State to come from the broadcasting studio.

The first thing I want to point out is what the statement does not purport to do. Let me remind you that this is not merely the Mission's statement, that is, the statement of the four signatories, but is the statement of His Majesty's Government in the United Kingdom. Now the statement does not purport to set out a new constitution for India. It is of no use asking us "how do you propose to do this or that?" The answer will be we don't propose to

do anything as regards the constitution. That is not for us to decide.

What we have had to do is to lay down one or two broad principles of how the constitution might be constructed and recommend those as foundations to the Indian people. You will notice we use the word "recommend" with regard to the ultimate constitutional forms with which we deal.

You may quite fairly ask, "but why do you recommend anything; why not leave it to the Indians?" The answer is that we are most anxious to get all Indians into some constitution making machinery as quickly as possible and the block at present is in this matter. We are, therefore, by this means trying to remove the block so that the constitution-making may start and progress freely and rapidly. We hope very earnestly that that will be the effect.

Now that it has been finally and absolutely decided that India is to have the complete independence she desires, whether within or without the British common-wealth as she chooses, we are anxious that she shall have it as soon as possible and the soonest is when there is a new constitutional structure decided upon by the Indian people.

But of course, we cannot just stand by and wait till that time comes. It is bound to take some time to reach that point of completion of the new constitutional structure.

So, as you know, the Viceroy, in whose province Government making primarily lies, has already started his talks with a view to the immediate setting up of a representative Indian Government. We hope that with the other issues out of the way on the basis of our statement, he will be able very rapidly to get that new government representative of the main parties set up and in operation. This matter of the interim Government is of supreme importance because of the enormous tasks facing India at the moment. It is these great tasks, and perhaps the

greatest of them is to deal with the food situation, that makes it absolutely essential that we should between us arrange a smooth and efficient transition.

When Will The British Quit.

Nothing could be more fatal to the Indian people to-day in the face of dangers of famine than a breakdown of administration and communications anywhere in India, and that is why we stress, we do the vital need for co-operation between all parties and communities, including the British in this time of transition.

So much then for the vitally important point of the interim Government. Some of you may wonder how soon this means that the British will sever their governmental connection with India—I hope that in any event we shall remain the closest friends when Indian freedom comes. Well we certainly can't say that. Who can foretell how quickly constitutions can be hammered out? One thing is however, absolutely certain and this the quicker you start the quicker you will end and the sooner we shall be able to withdraw, handing over the power to the new governments of the Union, provinces and, if it is so decided of the groups.

This brings me to what has been decided rather than recommended. It has been decided to make a start with the constitution-making right away. This does not mean a decision as to what the constitution shall finally be. That is for decision by the representatives of the Indian people. What it does mean is that the deadlock which has prevented a start on the process of constitution-making is to be removed once and for all.

Constitution-Making Bodies.

The form in which we propose that the constitution-making bodies should be assembled is important for this reason. It permits of arriving at constitutions in the recommended form. It does a little further than that in one respect. As we believe and hope that the two parties will come into this constitution-making on the basis of our

recommendations, it would not be fair to either of them if the fundamental basis which we recommend could be easily departed from. So we stipulate that a departure from that basis which is laid down in paragraph 15 of the statement should only be made if a majority of both communities agree to it. That I think is eminently fair to both parties. It does not mean that no departure can be made from the recommendations, but it does mean that that special provisions, I have mentioned, will apply to such resolutions in the constituent assembly of the Union. That is one special provision as to particular majorities, the only other is in relation to matters raising any major communal issue when a similar rule will apply. All the rest is left to the free play of discussion and vote.

Three Sections.

The question I am sure will occur to all of you and into which the assembly will break up to formulate the provincial and group constitutions.

There was a very good reason for this. First of all, of course, somehow or other those groups had to be formed before they could proceed to their business. There were two ways of dealing with that matter. Either let the present provincial governments opt themselves into groups or—after seeing the constitutions produced—let the new governments after the whole constitution-making is complete opt themselves out, if they wish. We have chosen the second alternative for two reasons.

First, because it follows the suggestion Congress put forward as regards the provinces and a single federation. They suggested that all the provinces should come in at the beginning but could opt out if they did not like the constitution when they had seen it. We think that this principle should apply to the groups.

Second, the present legislatures are not truly representative of the whole population because of the effect of the communal award with its weightages.

We have tried to get a scheme as near as possible to the full adult suffrage which would be fairest but which would take probably two years to work out—and no one believes that we could wait that length of time before starting on constitution-making. So we discard the present legislatures as decisive for the option and say let it be exercised when the first new elections have taken place when no doubt there will be a much fuller franchise and when, if necessary, the precise issue can be raised at the election. So the three sections will formulate the provincial and group constitutions and when that is done they work together with the states representatives to make the Union constitution. That is the final phase.

States' Position

Now a word about the states. The statement in paragraph 14 makes the position quite clear that paramountcy cannot be continued after the new constitution comes into operation, nor can it be handed over to anyone else. It is not necessary for me to state—I am sure—that a contract or arrangement of this kind cannot be handed over to a third party without the consent of the states. They will, therefore, become wholly independent but they have expressed their wish to negotiate their way into the Union and that is a matter we leave to negotiation between the states and the British Indian parties.

There is one other, important provision which I would like to stress as it is somewhat novel in constitution-making. We were met by the difficulty of how we could deal fairly with the smaller minorities, the tribal and the excluded areas. In any constitution-making body it would be quite impossible to give them a weightage which would secure for them any effective influence without gravely upsetting the balance between the major parties. To give them a tiny representation would be useless to them so we decided that minorities would be dealt with really in a double way. The major minorities, such as the Hindus in Muslim provinces and the Muslims in Hindu provinces, the Sikhs

in the Punjab and the Depressed Classes who had considerable representation in a number of provinces would be dealt with by proportional representation in the main construction of the constitution-making bodies.

But in order to give these minorities and particularly the small minorities like the Indian Christians and the Anglo-Indians and also the tribal representatives a better opportunity of influencing minority provisions, we have made provision for the setting up by the constitution-making body of an influential advisory commission which will take the initiative in the preparation of the list of fundamental rights the minority protection classes and the proposals for the administration of tribal and excluded areas. This commission will make its recommendations to the constitution-making body and will also suggest at which stage or stages in the constitution these provisions should be inserted, that is, whether in the Union, group or provincial constitutions or in any two or more of them.

Now that I think gives you some picture of the main points with which we have dealt in our statement. There is only one other point that I want to stress before leaving the matter with you until to-morrow morning.

You will realise, I am sure, how terribly important is this moment of decision for the Indian people.

We are all agreed that we want a speedy conclusion of these matters. So far we have not been able all to agree upon how it should be brought about. We have done in this statement what we believe to be best after two months of discussion and very hard work and in the light of all we have heard and studied. This is our firm opinion and we do, of course, intend to start all the negotiations over again. We intend to get on with the job on the lines we have laid down. We ask the Indian people to give this statement calm and careful consideration. I believe that the happiness of their future depends upon what they now do.

We hope from the bottom of our hearts that the Indian people will accept the statement in the spirit of co-operation in which it has been drawn up, and that within a week or two the process of constitution-making may begin and the interim Government may be formed.

Let no one doubt for one moment our intentions We have not come to India and stayed here so long and worked so hard except to carry out what has long been the policy of the British Labour Party, that is, to transfer power to the Indian people as quickly as smoothly and as co-operatively as the difficulties of the process permit.

We are convinced that this statement offers an honourable and peaceful method to all parties and if they will accept it we will do all that lies in our power to help forward the constitution-making so as to arrive at the speediest possible settlement.

In failing their own agreement, they will accept this method that we put forward of getting on with the making of a new constitution for India. We can between us make it a smooth transition and a rapid one but if the plan is not accepted no one can say how great will be the disturbance or how acute and long the suffering that will be self-inflicted on the Indian people.

NEW PROPOSALS OF CABINET

MISSION

Debate in Parliament

In Commons.—The British Premier, Mr. Clement Attlee, to a tense and expectant House of Commons on May 16 read the plan outlined in a White Paper which the British Cabinet Mission to India consider "the arrangement to ensure speedy setting up of a new constitution" for India.

The plan which makes six major proposals to be submitted to Indian majority parties, urges immediate formation of an interim government for India in which all portfolios, including that of war, would be held by Indian leaders. The plan—which has full support of the British Government—further states that the Cabinet Mission have endeavoured "to be just to the smaller as well as the larger sections of the people" and is designed to set in motion machinery "whereby a constitution can be settled by Indians for Indians."

Before reading the Cabinet Mission's statement, Mr. Attlee said: "I rise to give the House an important statement, which is being issued simultaneously in India by the Cabinet Mission and the Viceroy. It is, I am afraid, a long statement. I shall have, I fear, to make a rather heavy demand on the patience of the House, but after consultation with the Opposition leaders it was thought that this was so important a document that it should be on the record of the House, and should be read to the House as a whole, because it is impossible to summarise it adequately."

"I propose, therefore, to read it in full with the exception of two tables—rather long tables of figures—which I propose to summarise."

"Before reading the statement the House will perhaps allow me to express my gratitude to members of the

Mission and to the Viceroy for undertaking a very difficult task and for their patient endeavours to try to get agreement between the two major communities (Hindus and Muslims.)

"This," continued Mr. Attlee "is the statement by the Cabinet Mission to India and His Excellency the Viceroy."

The Prime Minister then proceeded to read the statement.

Cheers greeted the Prime Minister when he sat down at 3-8 P. M. G. M. T. (8-48 P. M. I. S. T.) after speaking for 32 minutes.

Mr. Winston Churchill, Leader of the Opposition, rose immediately. He said; "I think the Prime Minister was right to read to the House the able but melancholy document to which we have listened, and that it was appropriate that he should read it instead of merely circulating it. Certainly I have heard nothing for a long time which so deeply deserves the British nation. The respectful attention which the House gave to every word uttered by the Prime Minister is proof that this opinion is well-founded.

"It would, of course, be most unwise this afternoon for any of us to attempt detailed comment on the long complicated proposals which have now been laid before us."

The Prime Minister did me the courtesy of sending me a copy last night but although I read it carefully in the small hours of this morning and I have now had the advantage of hearing it again I should certainly not commit myself at this juncture to anything but observations of a most general character.

Moreover these observations such as they are arise from the situation in respect of India which we have known for a long time rather than from the new proposals to which however I make a brief reference.

I am bound to make it clear, however, without delay as to what is the position of the official Opposition. The head of the Coalition Government, I and my colleagues of those days are committed to the offer made to the people of India at the time of the Cripps Mission of 1942 by which we offered dominion status as expressed by the Statute of West-minister including the right of secession.

We offered this to many peoples of India subject to certain provisions. The first was that there should be a broad, real and sincere agreement between the main Indian parties and the second was that in the constitution we should have provision for honourable discharge of the obligations we have contracted in India towards the minorities who added together are themselves a majority and also for the discharge of of those obligations embodied with treaties with the Indian states.

These proposals were made at a moment when the danger of Japanese invasion threatened India in a terrible manner. I personally was induced to agree to them by the all compelling war interest of trying to rally all forces in India to the defence of their soil against Japanese aggression and all horrors which would have followed therefrom.

The Cripps Mission failed. The answer which Mr. Gandhi gave to the British Government at that time was "quit India." He and the Congress proceeded to raise or encourage a revolt or a widespread disturbance affecting principally communications on which the British and Indian forces relied for holding the threatened fronts. These disorders, although seriously fomented, were suppressed with surprising ease and very little loss of life and the inducement to revolt found no response outside political classes from the great mass of the Indian people.

We persevered and presently the tide turned. India was successfully defended and emerged from the second world convulsion in our life time, protected against

external violence by the armies sea power and diplomacy at the disposal of the British Empire including the valiant contribution of the Indian forces themselves and the Gurkhas.

"Nevertheless we still persisted in our effort which had been rejected in 1942 and the late Secretary of State for India Mr. Amery on June 14 last, when Government had ceased to be coalition and was a Conservative Government, used the following words which were quoted by Mr. Eden when the proposal was made to send a Cabinet Mission to India in February.

These are the words of Mr. Amery: "The statement makes clear that the offer of March 1942 stands in its entirety. That offer was based on two main principles. The first is that no limit is set to India's freedom to decide for herself her own destiny, whether as a free member and partner in the British Commonwealth of nations or even without it. The second principle is that this can only be achieved under a constitution or constitutions framed by India to which the main elements of India to which the national life are the consenting parties. By that statement we were and are bound. Now, however, a new situation has arisen. We are confronted with the fact reiterated to the Prime Minister's statement that there is no agreement. The main elements of Indian national life are not, at present time, consenting parties to quote the words of Mr. Amery.

No one will doubt the sincerity and earnestness with which the Cabinet Ministers and the Viceroy have laboured to bring about a solution of the Indian difficulty and worked for a solution with a zeal which would be natural were it to gain an empire and not cast it away. But the fact is that they have failed through no fault of their own despite all their efforts and devotion and ingenuity which is a fact which should be education in India matters not only in this country but throughout the world.

"During these negotiations, it has been increasingly clear that the object sought for was not dominion status,

and the subsequent consequence of the right of secession, but direct and immediate independence. I am not sure that results had been realised by the House—it certainly came as a surprise to me.

The new proposals that we have had seen at first sight to shift the onus of deciding the future constitution of India from Indian parties to the British Government who have themselves come forward with an elaborate and detailed scheme. In so far as this shifting of onus may prove to be the case. It certainly seems to have been an unfortunate step, which goes beyond what we understood was the purpose of the Ministers' mission. The mandate they received which was defined by the Prime Minister was to set up machinery for Indians to decide their form of Government.

It will, I hope, however be common ground that we cannot enforce by British arms a British-made constitution upon Indians against the wishes of any of the main elements in Indian life (cheers).

There remains the discharge of our obligations to Indian minorities and the State. We must study the documents with long and searching attention. In order to see that these duties have been faithfully safeguarded.

It would seem at first sight that attention should be particularly directed to the position of the Muslim community of nearly 80,000,000 already most formidable of all races and creeds in the Indian sub-continent and whose interest and culture are a matter of great consequence to the community as a whole and vital to the peace of India:

Secondly, we must examine the provision made for the depressed classes or untouchables, as they are called, who number nearly 6,000,000 and for whose status and future, repeated assurance have been given and pledges made by many British Governments in ancient and more recent times.

Finally, there are relations which the Indian States which comprise a quarter of the population and one-third of the territory of the Indian sub-continent, are to have to the Crown and to the new Government. At present, these relations are defined by solemn treaty, dependent upon the paramountcy of the Crown. Apparently, this is to be abolished. In a sentence which was obscure and could be either one thing or the other, they would be relegated to a kind of no man's land—this question of paramountcy—and, if that is so, it would seem that all foundation for those treaties would be swept away.

All these matters and many others which will occur to members as they study the White Paper, will require several weeks of profound and earnest consideration and it would certainly not, in my view, be desirable to bring this whole matter to debate in the House, with all that a debate in these circumstances may entail—it would not be right to bring it in any precipitate manner.

We don't even know at the present time what are the Legislative steps which would be required, either for the setting up of an Interim Government or in the event of an agreement being reached, what legislation would be necessary for the creation of a new constitution or derogation of the King's title of Emperor of India. We know nothing of that. Therefore, I say, in the name of the Opposition, that a new situation has been created, that we are bound to review it in the light of the existing facts, and that we reserve our entire freedom of action as to the future course we should take.

Mr. Clement Davies, Leader of the Liberal Party, said that the Prime Minister's statement was one of the most momentous that had ever been made before the House of Commons. It would be necessary to study this statement with the very greatest care, and he hoped the House would also wait to hear, understand and appreciate the views of the Indians themselves.

Mr. Davies added : But a united expression of gratitude from here and from India is due to the three members

genius of our race, which is to spread the flag of liberty all over the British empire.

We know what the Indians expected. They said that what was good enough for the Englishmen was not too good for them.

Referring to the States, Mr. Reid said he did not think there was any suggestion in the report that the British were going to back out of their treaties with them.

They were dealing with a matter which must be settled by Indians themselves and, therefore, were only wasting time in going into details. As a friend of the Indian people and one who has eaten their salt, I hope that Indians will form a Provisional Government, set up their constituent assembly and develop their own constitution. I would say to the Indian people that the eyes so far of the world are upon them and it is for them now to set their own house in order.

Mr. William Gallagher (Communist) said: I think it is permissible for a Communist to rush in where a tory hesitates to tread. What is the background of this situation?—Not as Mr. Davies has said that we have an amazing record as regards the Empire. There is a population of 40,000,000 and in that country there are huge mineral resources, but even when the war broke out in 1939, India was not in a position to make a tank or a gun.

And famine is growing in that country. What credit is there in that! That is not bringing the nation forward. It is holding it back. Then we are faced with the fact that the old style of Government had gone completely bankrupt, and India is in the ferment of a revolution.

I know when the Cabinet Mission was going out, the Prime Minister said something about Independence for India but when imperialist members on the other side applauded his statement, I felt a bit suspicious. I felt that somebody was going to get a fair deal.

In India you have two great bodies. You have what might be called a perpendicular division between the Muslims and Congress, and we can see by the sort of campaign that is going on that a deliberate attempt is being made to aid that perpendicular division and to win over the bourgeoisie and the petty bourgeoisie against the masses of the people.

One of the things I am concerned about is that something should be done immediately about the famine and to save the people from starvation. The other thing is to make good all this talk about giving Indians a chance to set up their own Government and work out their own destiny, and how to you make it good? We had discussion here last week on the withdrawal of troops from Egypt. The highest possible sentiments were expressed, particularly by members on this side. I agreed with their sentiments, but they said: It is not enough that we should feel that we are treating people as equals, it is essential that they should feel they are being treated as equals.

What was the criterion for ensuring that people were being treated as equals? It was to withdraw the forces. The Foreign Secretary, speaking during the week-end, laid down what he called a fundamental principle that no negotiations can be recognised while armies are occupying the countries where negotiations are taking place. How is it possible for Indians to feel that they are being treated as equals if our armies are there? There should have been first a declaration of independence for India with a promise that in given time our troops would be out of India, and then to call on the Congress leaders to set up a Government.

Earl Winterton (Conservative) interjected: What about Muslims?

Mr. Gallachar, The Congress has a big majority. Let the Congress form a Government and they will bring in the Muslims.

Earl Winterton laughed.

Mr. Gallacher: I hope that one of the first things to be done when the Congress does form a Government will be abolition of the States and of the Princes. That is a proposal I would make in connection with the situation in India.

If we are in earnest about giving Indians the right to set up their own Government, let us hand the job over to them and come out, and let them go ahead. If you do that you will get the real good will of the Indian people, and the Indian people will have no hesitation in voluntarily associating themselves with us.

At this point Mr. William Whiteley, Chief Government whip, withdrew the motion for adjournment and the debate in the Commons ended.

In Lords.

In the House of Lords the White Paper was read by Lord Addison, the Dominion Secretary.

It was greeted with subdued cheering from Government. Viscount Simon, the first speaker in the debate which followed, said: The document shows with what industry the three Cabinet Ministers handled the very difficult task (cheers). Publication of the document will bring home to the vast numbers of people in this country who have been perhaps confident that they knew the solution of the Indian problem, how complicated it is and how with the best will in the world it is one of the most difficult to solve.

Twice in the document, there is reference to the setting up at once of an interim Government. I want to be quite clear what is involved in that sphere, and I do not think it would embarrass Lord Addison if I asked that question, it by the setting up of an interim Government is meant that new men will be chosen to sit in the Viceroy's Council.

That would not be a constitutional change. Or is it intended to make a rather more widespread change? If so, other questions arise. Under the Government of

India Act of 1935, the Viceroy has what are called reserve powers and special responsibilities. I would like to be assured that when this document, put forward with the authority of Government, speaks of setting up or creating an interim Government, it does not mean that there is to be attempted some modification, either explicit or implicit, in these constitutional provisions.

The particular duty is cast upon the Viceroy under the existing constitution of protecting the minorities, the duty, if occasion calls for it, of certifying legislation from Indian Legislative bodies, and to overruling, or taking upon himself to decide grave matters which are not being satisfactorily dealt with.

The phrase about the importance of setting up an Interim Government might be understood as involving constitutional changes. I hope Lord Addison will tell me that what is really meant is that other individuals will be appointed to the Viceroy's Council. So long as this is clear, for my part I should not seek to question the discretion which decided that it may be well to have a change of personnel.

While many other questions occurred to me, and no doubt to other members, I think it much wiser to examine the document at leisure rather than attempt to conduct an important cross examination across the table of the House. The next thing we should do is to see what is the effect of this document on India. We hope it will meet with favourable reception from the communities, and when we learn more about its reception and have studied it closely, I imagine the Leader of the Opposition, with the assent of the Leader of the House, will want to make arrangements for further discussion."

Viscount Samuel (Liberal) said: Thanks are due to the three Ministers, and particularly to Lord Pethick-Lawrence, who as Secretary of State has the primary responsibility. Undeterred by the burden of years, a repressive climate and the arduous and at times apparently hopeless task entrusted to him, he pursued it with unflinching enthusiasm, vigour and resourcefulness.

to ascertain the effect of this paper on Indian opinion before discussing it further.

The answer to Lord Simon's question is, I think, fairly clear. It is more a change of personnel, which we hope will be effected agreeably and satisfactorily, and will inspire confidence. The powers and duties of the Viceroy will remain as before.

Lord Simon : Otherwise it would have meant an act of Parliament.

Lord Addison : Yes.—

MUSLIM LEAGUE'S POSITION

Mr. M. A. Jinnah's Statement

I have now before me the statement of the British Cabinet Delegation and the Viceroy dated May 15. Before I deal with it I should like to give a background of the discussions that took place at Simla from May 5 onwards till the conference was declared concluded and as broken down announced in the official *communiqué* dated May 12. We met in conference on May 5 to consider the formula embodied in the letter of the Secretary of State for India dated April 27 inviting the League representatives.

The formula was as follows :
A Union Government dealing with the following subjects foreign affairs, defence and communications.

There will be two groups of provinces, the one of the predominantly Hindu provinces and the other of the predominantly Muslim provinces, dealing with all other subjects which the provinces in the respective groups desire to be dealt with in common. The provincial Governments will deal with all other subjects and will have all the residuary sovereign rights.

The Muslim League position was that :

Firstly, the zones comprising Bengal and Assam in the north-east and the Punjab, the N.W.F.P., Sind and Baluchistan in the north-west of India constituted Pakistan zones and should be constituted as a sovereign independent State and that an unequivocal undertaking be given to implement the establishment of Pakistan without delay.

Secondly, that separate constitution making bodies be set up by the people of Pakistan and Hindustan for the purpose of framing of respective constitutions.

Thirdly that minorities in Pakistan and Hindustan be provided with safeguards on the lines of the Lahore resolution.

Fourthly, that the acceptance of the League demand and its implementation without delay were a *sine qua non* for League co-operation and participation in formation of an Interim Government at the Centre.

Fifthly, it gave a warning to the British Government against any attempt to impose a federal constitution on a united India basis or forcing any interim arrangement at the Centre contrary to the League demand and that Muslim India would resist if any attempt to impose it were made. Besides, such an attempt would be the grossest breach of faith of the declaration of His Majesty's Government made in August 1940 with the approval of the British Parliament and subsequent pronouncements by the Secretary of State for India and other responsible British statesmen from time to time reaffirming the August declaration.

We accepted the invitation to attend the conference without prejudice and without any commitment and without accepting the fundamental principles underlying this short formula of the Mission on the assurance given by the Secretary of State for India in his letter dated April 29 wherein he said: "We have never contemplated that acceptance by the Muslim League and the Congress of of our invitation would imply as a preliminary condition full approval by them of the terms set out in my letter. These terms are our proposed basis for a settlement and what we have asked the Muslim League Working Committee to do is to agree to send its representatives to meet ourselves and representatives of the Congress in order to discuss it."

The Congress position in reply to the invitation was stated in their letter of April 28 that a strong Federal

Government at the Centre with present provinces as the federating units be established and they laid down that foreign affairs, defence, currency, customs, tariffs "and such other subjects as may be found on closer scrutiny to be intimately allied to them" should vest in the Central Federal Government. They negatived the idea of grouping of provinces. However, they also agreed to participate in the conference to discuss the formulas of the Cabinet Delegation.

After days of discussion no appreciable progress was made, and finally I was asked to give our minimum terms in writing. Consequently, we embodied certain fundamental principles of our terms in writing as an offer to the Congress in the earnest desire for a peaceful and amicable settlement and for the speedy attainment of freedom and independence of the peoples of India. It was communicated to the Congress on May 12 and a copy of it was sent to the Cabinet Delegation at the same time.

The following were the terms of the offer made by the Muslim League delegation :

(1) The six Muslim provinces (the Punjab, the N.-W.F.P., Baluchistan, Sind, Bengal and Assam; shall be grouped together as one group and will deal with all other subjects and matters except foreign affairs, defence and communications necessary for defence which may be dealt with by the constitution-making bodies of the two groups—Muslim provinces hereinafter named Pakistan group) and Hindu provinces—sitting together.

(2) There shall be a separate constitution-making body for the six Muslim provinces named above which will frame constitutions for the group and the provinces in the group and will determine the list of subjects that shall be provincial and central (of the Pakistan Federation with residuary sovereign powers vesting in the provinces.

(3) The method of election of the representatives to the constitution making body will be such as would secure

proper representation to the various communities in proportion to their population in each province of the Pakistan group.

(4) After the constitutions of the Pakistan Federal Government and the provinces are finally framed by the constitution-making body it will be open to any province of the group to decide to opt out of its group provided the wishes of the people of that province are ascertained by a referendum to opt out or not.

(5) It must be open to discussion in the joint constitution-making body as to whether the Union will have a legislature or not. The method of providing the Union with finance should also be left for decision of the joint meeting of the two constitution-making bodies, but in no event shall it be by means of taxation.

(6) There should be parity of representation between the two groups of provinces in the Union executive and the legislature if any.

(7) No major point in the Union constitution which affects the communal issue shall be deemed to be passed in the joint constitution-making body unless the majority of the members of the constitution-making body of the Hindu provinces and the majority of the members of the constitution-making body of the Pakistan group present and voting are separately in its favour.

(8) No decision, legislative, executive or administrative, shall be taken by the Union in regard to any matter of controversial nature except by a majority of three-fourths.

(9) In group and provincial constitutions fundamental rights and safeguards concerning religion culture and other matters affecting the different communities will be provided for.

(10) The constitution of the Union shall contain a provision whereby any province can by a majority vote of its legislative assembly call for reconsideration of the terms of the constitution and will have the liberty to

secede from the Union at any time after a period of ten years.

The crux of our offer, as will appear from its text was *inter alia* that the six Muslim provinces should be grouped together as the Pakistan group and the remaining the Hindustan group and on the basis of two federations we were willing to consider a Union or confederation strictly confined to three subjects only, i.e. foreign affairs, defence and communications necessary for defence which the two sovereign federations would voluntarily delegate to the confederation. All the remaining subjects and the residue were to remain vested in the two federations and the provinces respectively.

This was intended to provide for a transitional period as after an initial period of ten years we were free to secede from the Union. But unfortunately this most conciliatory and reasonable offer was in all its fundamentals not accepted by the Congress as will appear from their reply to our offer. On the contrary, their final suggestions were the same as regards the subjects to be vested with the Centre as they had been before the Congress entered the conference and they made one more drastic suggestion for our acceptance that the Centre "must also have power to take remedial action in cases of breakdown of the constitution and in grave public emergencies." This was stated in their reply dated May 12 which was communicated to us.

At this stage the conference broke down and we were informed that the British Cabinet Delegation would issue their statement which is now before the public.

To begin with the statement is cryptic with several lacunas and the operative part of it is comprised of a few short paragraphs to which I shall refer later.

I regret that the Mission should have negatived the Muslim demand for the establishment of a complete sovereign State of Pakistan which we still hold is the only solution of the constitutional problem of India and which alone can secure stable governments and lead to the

happiness and welfare not only of the two major communities but of all the peoples of this sub-continent.

It is all the more regrettable that the Mission should have thought fit to advance common place and exploded arguments against Pakistan and resorted to special pleadings couched in a deplorable language which is calculated to hurt the feelings of Muslim India.

It seems that this was done by the Mission simply to appease and placate the Congress because when they come to face the realities they themselves have made the following pronouncement embodied in paragraph 5 of the statement which says: "This consideration did not however deter us from examining closely and impartially the possibility of a partition of India since we were greatly impressed to the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu majority rule.

"This feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards. If there is to be internal peace in India it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion and economic or other interests."

And again in paragraph 12. "This decision does not however blind us to the very real Muslim apprehensions that their culture and political and social life might become submerged in a purely unitary India in which the Hindus with their greatly superior numbers must be a dominating element."

And now what recommendations have they made to effectively secure the object in view and in the light of the very clear and emphatic conclusion they arrived at in paragraph 12 of the statement?

(1) They have divided Pakistan into two, what they call Section B (for the north-western zone) and Section C (for the north-eastern zone).

(2) Instead of two constitution-making bodies only one constitution-making body is devised with these sections A, B and C.

(3) They lay down that "there should be a Union of India embracing both, British India and the States which should deal with the following subjects: foreign affairs, defence and communications and should have the powers necessary to raise the finances required for the above subjects." There is no indication at all that the communications would be restricted to what is necessary for defence nor is there any indication as to how this Union will be empowered to raise the finances required for these three subjects while our view was that finance should be raised only by contribution and not by taxation.

(4) It is laid down that "the Union should have an executive and a legislature constituted from British Indian and States representatives and any question raising a major communal issue in the legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting." While our view was:—

(a) That there should be no legislature for the Union but the question should be left to the constituent assembly to decide.

(b) That their should be parity of representation between the Pakistan group and the Hindustan group in the Union executive and legislature if any, and

(c) That no decision legislative, executive or administrative should be taken by the Union in regard to any matter of a controversial nature except by a majority of three-fourths. All these three terms of our offer have omitted from the statement.

No doubt there is one safeguard for the conduct of business in the Union legislature that "any question raising a major communal issue in the legislature should

happiness and welfare not only of the two major communities but of all the peoples of this sub-continent.

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require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting." Even this is vague and ineffective. To begin with who will decide and how as to what is a major communal issue and what is a purely non-communal issue?

(5) Our proposal that the Pakistan group should have a right to secede from the Union after an initial period of ten years, although the Congress had no serious objection to it, has been omitted and now we are only limited to a reconsideration of the terms of the Union constitution after an initial period of ten years.

(6) Coming to the constitution-making machinery here again a representative of British Baluchistan is included in Section B but how he will be elected is not indicated.

(7) With regard to the constitution-making body for the purpose of framing the proposed Union constitution it will have an overwhelming Hindu majority as in a House of 292 for British India the Muslim strength will be 73 and if the number allotted to Indian States, 93, is taken into account it is quite obvious that the Muslim proportion will be further reduced as the bulk of the States representatives would be Hindus. This Assembly so constituted will elect the chairman and other officers and, it seems, also the members of the advisory committee referred to in paragraph 20 of the statement by a majority and the same rule will apply also to other normal business. But I note that there is only one saving clause which runs as follows :

"In the Union Constituent Assembly resolutions varying the provisions of paragraphs 15 given above or raising any major communal issue shall require a majority of representatives present and voting of each of the two major communities. The chairman of the Assembly shall decide which (if any) of the resolutions raise major communal issues and shall if so requested by a majority of the representatives of either of the major communities consult the Federal Court before giving his decision."

It follows therefore that it will be the chairman alone who will decide. He will not be bound by the opinion of the Federal Court nor need anybody know what that opinion is as the chairman is merely directed to consult the Federal Court.

With regard to the provinces opting out of their group it is left to the new legislature of the province after the first general election under the new constitution to decide instead of a referendum of the people as was suggested by us.

(8) As for paragraph 20 which runs as follows:

"The advisory committee on the rights of citizens, minorities and tribal and excluded areas should contain full representation of the interests affected and their function will be to report to the Union Constituent Assembly upon the list of fundamental rights, the clauses for the protection of minorities and a scheme for the administration of the tribal and excluded areas and to advise whether these rights should be incorporated in the provincial group or Union."

This raises a very serious question indeed. For if it is left to the Union Constituent Assembly to decide these matters by a majority vote whether any of the recommendations of the advisory committee should be incorporated in the Union constitution then it will open a door to more subjects being vested in the Union Government. This will destroy the very basic principle that the Union is to be strictly confined to three subjects.

These are some of the main points which I have tried to put before the public after studying this important document. I do not wish to anticipate the decision of the Working Committee and the Council of the All-India Muslim League which are going to meet shortly at Delhi. They will finally take such decisions as they may think proper after a careful consideration of the pros and cons and a thorough and dispassionate examination of the statement.

FULL TEXT OF LEAGUE COUNCIL RESOLUTIONS

This meeting of the Council of the All-India Muslim League, after having carefully considered the statement issued by the Cabinet Mission and His Excellency the Viceroy on the 16th May 1946, and other relevant statements and documents officially issued in connection therewith and after having examined the proposals set forth in the said statement in all their bearings and implications, places on record the following views for the guidance of the nation and direction to the Working Committee.

"That the references made and the conclusions recorded in paragraphs 6,7,8,9,10 and 11 of the Statement concerning the Muslim demands for the establishment of full sovereign Pakistan as the only solution of the Indian constitutional problem, are unwarranted, unjustified and unconvincing, and should not therefore have found place in a State Document issued on behalf and with the authority of the British Government.

These paragraphs are couched in such a language and contain such mutilation of established facts that the Cabinet Mission have clearly been prompted to include them in their Statement solely with the object of appeasing the Hindus in utter disregard of Muslim sentiments. Furthermore, the contents of the aforesaid paragraphs are in conflict and inconsistent with the admissions made by the Mission themselves in paragraphs 5 and 12 of their Statement, which are to the following effect:

First, the Mission "were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to perpetual Hindu majority rule."

Secondly, "this feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards."

Thirdly, "if there is to be internal peace in India it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion, economic or other interests," and

Fourthly, "very real Muslim apprehensions exist that their culture and political and social life might become submerged in a purely unitary India in which Hindus with their greatly superior numbers, must be a dominating element."

In order that there may be no manner of doubts in any quarter the Council of the All-India Muslim League reiterates that the attainment of the goal of complete sovereign Pakistan still remains the unalterable objective of the Muslims of India, for the achievement of which they will, if necessary, employ every means in their power and consider no sacrifice or suffering too great.

That, notwithstanding the affront offered to Muslim sentiments by the choice of injudicious words in the preamble of the Statement by the Cabinet Mission the Muslim League, having regard to the grave issues involved, and prompted by its earnest desire for a peaceful solution, if possible, of the Indian constitutional problem, and inasmuch as the basis and the foundation of Pakistan are inherent in the Mission's Plan, by virtue of the compulsory grouping of the six Muslim provinces in Sections B and C, is willing to co-operate with the constitution-making machinery proposed in the scheme outlined by the Mission, in the hope that it would ultimately result in the establishment of complete sovereign Pakistan and in the consummation of the goal of independence for the major nations, Muslims and Hindus and all the other people inhabiting this vast sub-continent.

It is for these reasons that the Muslim League in accepting the scheme and will join the Constitution-making body, and it will keep in view the opportunities and the right of secession of provinces or group, from the Union which have been provided in the Mission's Plan, by repudiation. The ultimate attitude of the Muslim League will

depend on the final outcome of the labours of the Constitution-making body, and on the final shape of the Constitutions of which may emerge from the deliberations of that body jointly and separately in its three sections.

The Muslim League also reserves the right to modify and revise the policy and attitude set forth in this resolution, at any time during the progress of deliberations of the Constitution-making body, or the Constituent Assembly, or thereafter, if the course of the events so require, bearing in mind the fundamental principles and ideals hereinbefore adumbrated to which the Muslim League is irrevocably committed.

That, with regard to arrangements for the proposed interim Government at the Centre, this Council authorises its President to negotiate with His Excellency the Viceroy and to take such decisions and actions he seems fit and proper.

POSITION OF HINDU MAHASABHA

Dr. S. P. Mookerjee's Statement

The Hindu case as usual is likely to go by default. It is a tragedy of Indian history that in every crisis that faces the nation, the Hindus are really not represented as such. Even in the constitution-making body which the Cabinet Mission proposes to set up the 'Hindu' as such does not exist. There are Muslims, there are Sikhs, and then there are "general," which means all excepting Muslims and Sikhs. In practical politics Hindus as such will not exist and do not exist.

We were some what taken aback when we found precipitate declarations and statements made by distinguished leaders who were impressed with the sincerity of the Cabinet Ministers. The time is gone when we shall be satisfied with nominal denunciations on paper of the mischievous principle of Pakistan. We cannot subscribe to any plan or scheme of grouping which is really meant to concede the substances of Pakistan to placate Mr. Jinnah. What does really matter is the concrete proposal and the way to translate into practice the principle of Indian unity and freedom.

"As the result of his mature deliberations Mahatma Gandhi has now discovered two or three vital defects in the Cabinet scheme. But there are more defects than those referred to by him. We are opposed to the communal system of state organisation. We are opposed to the granting of residuary powers to provinces. We are opposed to a weak centre which the history of India teaches us would mean anarchy and disintegration. This would make difficult, if not impossible All India planning for economic and social reconstruction. We are opposed

to the communal award and we want the obliteration of communal electorates. We do not want that the Constituent Assembly would be based on the pernicious principle of communal representation and by means of communal electorate based on the communal award. We recognise that the Cabinet scheme is grossly unfair to the Sikhs as well as to the Hindus of Bengal, Assam and the Punjab. But I am not going to influence the Working Committee or the All-India Committee on the vital issues and the members should decide for themselves what should be their verdict on the Cabinet scheme. However, two or three important points have cropped up which are of immediate urgency and we should speak out our mind in unfaltering terms. We have all along opposed the pernicious principle of parity. We were the first to reject the wavell scheme because it contained the principle of parity between caste-Hindus and Muslims. We do maintain that parity is more insidious than Pakistan. The parity which the Viceroy is now reported to be offering is certainly much worse than the parity which was offered by him at the Simla Conference.

Prof. Coupland in his latest book has observed that the Viceroy wanted to invite the Hindu Mahasabha at the Simla Conference but he changed his mind because we adopted an attitude of uncompromising opposition both to parity and to Pakistan. We stand unrepentant. In the context of what has happened I think we adopted the right attitude. Pakistan means the vertical division of India on communal lines. Parity means the spreading of that communal poison horizontally throughout the Indian body politic. We regret that the Bhulabhai-Liaquat Ali pact was based on the principle of Congress-League parity and that it was blessed by Mahatma Gandhi. We must take our stand on principle. I appeal to British statesmen to pause and consider. Would the Labour Government, which has behind it the majority of British votes, accept parity with the conservatives in the formation of their national Government? Now that the war is over and it is the question of the formation of a peacetime Government, why should there be any question of parity raised? The

British said they fought the war for the vindication of democracy and when it is the question of setting up India's Government they can not sacrifice the same principle.

The Hindu Mahasabha has made its point perfectly clear. Veer Savarkar's stand has been "one man one vote and equal citizenship for all." That is the principle on which we framed the constitution of Free Hindustan at the Bilaspur session. But if for any reason this principle is not accepted, then the Hindus would legitimately demand that they must have representation in the Government on population basis. They can never accept the principle that one Muslim is equal to three Hindus. In framing the Constituent Assembly the Cabinet Mission has accepted and acted on the principle that one member should represent one million. If that is the correct principle for the Constituent Assembly, they should be logical and consistent and they should ask the Viceroy to form the interim Government also on the same principle.

There must be no parity through the back door. Once you accept the principle of parity in the Central Government, communalists would demand parity in the army, the navy and in other spheres of administration. If parity is imposed in any shape or form the Constituent Assembly as well as the future plan of constitution making process will be dominated by the Muslim League and that would sound the death knell of Indian freedom.

On behalf of the Hindus of Bengal and Assam I call upon the Cabinet Ministers to declare forthwith that the Europeans shall have no say or voice in the Constituent Assembly. You give one million Hindus and Muslims the right of electing one member to the Constituent Assembly and it is right and fair that you should allow ten thousand Europeans to elect half a dozen members to the same body?

To give the Europeans the right to vote is to reduce the Hindus to a hopeless minority and to perpetuate the deliberate wrong done to the Hindus under the Communal Award. That will mean for the Hindus of Bengal and

Assam exchange of one slavery for another slavery, more insidious and more disastrous.

MAHASABHA'S RESOLUTION

The following resolution was adopted by the All-India Committee of the Hindu Mahasabha on June 16.

The All India Committee of the Hindu Mahasabha notes that the fundamental principle of the Hindu Mahasabha, viz., the unity and integrity of India, has been accepted only in theory by the Cabinet Mission by their proposal for the formation of Indian Union and by their rejection of Pakistan. But the committee regrets that in practice it is whittled down and the apprehension of the communal domination of the Muslims has been exaggerated and the apprehension of the minority in Muslim majority has been totally ignored.

The Mahasabha has opposed Pakistan or the partition of India in to two entire sovereign states not on sectional or communal grounds but in the interests of India as a whole. The Central Government as envisaged in the Cabinet Mission's proposal will be too weak to pull its full weight in the International world.

The Committee reiterates the demand for the formation of a strong Central Government to check and control the disruptive forces in the Indian body politic and to pool all national resources for effective planning in order to prevent the economic exploitation of the poor masses. World security is linked up with the building up and maintenance of a really free and prosperous India. That object can never be achieved with a truncated centre and a hybrid constitution based on artificial grouping of provinces with residuary powers vested in them. These provinces will then in a position to put tariff walls and to clog the progress of India in the social and economic fields. In order to make effective any large scale economic and administrative planning and prevent the disintegration of India (after the withdrawal of the British power from India) it is essential that the Centre should be strong enough and should be

clothed with constitutional authority to deal effectively with customs, tariffs, currency banking and other subjects and should have authority to intervene in cases of minority oppression or inter-provincial deadlock and to co-ordinate All-India resources to fight famine and pestilence emergency.

The Mahasabha cannot accept any constitution which negatives in actual practice, the salutary principle of India's integrity. It stands for an indissoluble Union of provinces which may be reconstituted on cultural and linguistic basis. The dominant idea behind the Cabinet Mission's scheme is to appease the Muslim League to the detriment of all other minorities.

The Mahasabha is opposed to a complicated machinery which seeks to set up a three-decker constitution and which will place the Hindus of the Punjab, Bengal, Assam, Sind and the N. W. F. Province as well as the entire Sikh community at the mercy of the Pakistanists and which will not provide any acceptable solution of the communal problem.

We oppose the proposal because the Hindu community as such has no existence in the political picture presented by the Mission and has been lumped together with others under the misleading category of "General."

The Working Committee demands that the artificial system of grouping and sub-federation should be withdrawn. The constitution should be framed on the recognition of principle of the sovereignty of the people. There should be one Constituent Assembly which will frame the constitution for the Indian Union and also for the constituent provinces. We are opposed to introduction of the principle of regionalism based on communalism and to the grant of residuary powers to the provinces. The Mahasabha is also opposed to the pernicious principle of parity in any shape or form.

The Committee appreciates that one of the principles for which the Hindu Mahasabha stood, viz., representation on the basis of population strength, has been recognised by the Cabinet Mission in the constitution of the constituent

Assembly which is based on the principle of one representative for one million people. But by allowing the European members of the Bengal and Assam Legislative Assembly to vote for or stand as candidates for the Constituent Assembly the quota of Hindu members to the Constituent Assembly from these Legislatures will be reduced and they will be deprived of their legitimate right of representation according to their population.

The Hindu Mahasabha demands that the sovereign status of the constituent Assembly should be recognised so that Indians may frame a constitution for themselves. The minority must not be allowed to veto the progress of the majority or to retard the building up of a healthy, self-sufficient and prosperous India.

The Mahasabha demands that consistent with the principle of representation on the basis of population strength which has been recognised by the Cabinet Mission in the constitution of the Constituent Assembly the interim Government must be based on the ratio of population.

The Committee calls upon the danger inherent in these proposals and urges upon them to mobilise effectively public opinion so that these proposals are suitably modified in order to meet the aspirations of a free and united Hindusthan.

THE POSITION OF THE SIKHS

Amritsar Conference Decisions

The Determination of the Sikhs to shed the last drop of their blood in order to fight the Cabinet Mission's proposals was expressed by leaders of all Sikh parties and groups at an historic Panthic conference which was held in Teja Singh Samundri Hall, Amritsar on June 9 and 10th. Four concrete decisions, which seem to have been reached so far but not formally announced, were hinted at by the speakers. One is the formation of a council of action representative of all groups and parties to direct the whole campaign (morcha) whatever from it might take, with Col. Niranjan Singh Gill of I. N. A. as its first dictator or president. The second is the recruitment of at least two lakhs of volunteers to participate in the morcha. This number is equal to that which joined the Indian Army during the war. The third is an appeal to Sikh Government or other servants unable to make any other sacrifice to contribute at least a month's salary to this morcha. And fourth is a pledge to be signed before the Akal Takht by those joining the morcha to face death in order to secure relief.

The Teja Singh Hall was packed by over a thousand Sikh leaders representative of Akalis, Congress Sikhs, Narmalas, Chief Khalsa Diwan, Singh Sabhas, District Akali Jathas from all over the Punjab, the North-West Frontier Province, Delhi, the United Provinces and other places. Jathedar Mohan Singh, head of the Akal Takht, who had invited this conference with its historic religious background, since in past critical occasions such conferences have been similarly summoned, was unanimously voted to the chair. Proceedings opened with the reading of the Granth Sahib and the offer of prayer.

Sardar Ishar Singh Majhail, M.L.A. (Panthic), described with tears in his eyes how the British Cabinet Mission had let down the Sikhs and, as a self-respecting community, they could only right the wrong by sacrifices. He expressed determination of Sikhs to end the British raj or the community would be wiped out. He was sure that the British might could not check their coming 'morcha'. They could not accept Muslim slavery.

Babu Labh Singh, President of the Shiromani Akali Dal thought that the Panth's fate would be decided soon as they could only save their existence with blood. He hinted that they would have to take an irrevocable pledge before the Akal Takht.

Master Tara Singh, who spoke towards the end of the conference, received a tremendous ovation amid shouts of Sat Sri Akal. He spoke feelingly, trembling with rage, saying that this was no time for dissension. It was not their duty to approach other parties or groups, though or they had done so because they were in mourning and in the grip of a terrible calamity which should unite fighting brothers. He said that Englishmen should realise that the Sikhs can do more harm than Muslims if enraged. Then alone will they concede their right. There are only two ways: either we finish the British raj or be finished ourselves. He declared that leaders would not be united, but he wanted the masses to be united. In the end he appealed to Sikhs for unity.

Jathedar Udham Singh Nagoke, M.L.A., who spoke last, wanted to know if the Sikhs who had offered two lakhs of soldiers to the Indian Army in order to save the British could offer a like number, if not more, to protect themselves. In 1849 Sikh rule had been ended with treachery, but now before 1946 they wanted to end the British rule with their sacrifices.

He regarded the Cabinet Mission's proposals as a challenge by the British Government and the Sikhs have accepted it. He said that mere jail going would not

help. They would have to die. He asserted: "We do not want to fight Hindus and Muslims. With Hindus we have no difference but the relationship of blood and with Muslims that of neighbourhood. Our differences will be settled with the British. We expect Hindus and Muslims to help to finish the British. To the Congress I appeal that its ideal of freedom can only be achieved if communalism goes away. The Cabinet Mission's proposals are based on communalism and it is for the Congress to come out in defence of its principle. He reminded Sikhs of their past traditions, quoting from Sikh history and scriptures, and said even if they sacrificed two lakhs of men they would get ten lakhs of converts who would be impressed by their sacrifices. To the Sikh public he appealed for the gift of one month's salary, as the morcha would require a tremendous amount of money. To Akalis he appealed for sacrifices otherwise they would have to discard the black turban.

Col. Niringan Singh Gill, of the I.N.A. said that the Singapore opportunity of 1942 had come their way again and he expressed the readiness of his comrades to make the supreme sacrifices at the behest of the Panth and the country. He declared that he and S. Mohan Singh, who had pledged the country's freedom in a Singapore temple, would once again repeat the pledge to secure the same object.

Bawa Harkrishan Singh Principal of Khalsa College, Gujranwala. Sardar Bahadur Jodh Singh, representing the Chief Khalsa Dewan (Moderate Sikhs); S. Sarmukh Singh Chamak, S. Nidhan Singh Alam Namdhari, S. Dyal Singh, head of Nirmala Sikhs; Puran Singh Nihang, S. Joginder Singh Mann, M. L. A., S. Jagjit Singh Mann, M.L.A., S. Channan Singh, S. Amar Singh of the Students Federation; S. Bhag Singh, S. Bawa Bachitter Singh (Delhi) and S. Pritam Singh (Sargodha) delivered vigorous speeches assuring the Panth of their full support in this matter, expressing their delight at Panthic unity and stressing the need for discipline.

Jathedar Mohan Singh announced in the end that all Sikh M.L.A.s and Akali leaders led by the president

of the Shiromani Akali Dal and others present at the conference would take the pledge of sacrifice in front of the Akal Takht, the highest seat of Sikh religious authority on Monday the 10th after which the conference session would be resumed to consider resolutions prepared by a Subjects Committee representative of all groups and parties.

A communique said that Master Tara Singh briefly explained the proposals and acquainted the committee with the gist of the talk he had with the Cabinet Mission and the Viceroy.

The Congress will lend full support to the Sikhs in safeguarding their legitimate communal rights, said Mr. Bhim Sen Sachar, Punjab Minister of Finance. He added: "The Congress Sikhs' representatives to the Constituent Assembly will be free to act in collaboration with the Panthic representatives on all major communal issues affecting the Sikh community. Further we shall not countenance League Congress parity in any form or shape.

"If and when the occasion arises for negotiations with the Muslim League in the Punjab, it is clear that the Muslim League will have to enter into parleys not with the Congress party but with the Punjab Coalition party, with Malik Khizar Hayat Khan Tiwana as its leader. As for the freedom of the provinces to join or not to join any group, our struggle continues unabated."

Addressing a press conference on the occasion of the all-parties Panthic gathering in the Teja Singh Samundri Hall, Sardar Baldev Singh, Punjab Development Minister, said:—

Only one thing I can say with certainty—that if it helps my community to get the proposals modified by my resignation and I will have no hesitation to do so.

He had received no communication from Maulana Azad, although when the Punjab Coalition Government was formed the Congress president had made it clear

that they would be consulted at the time of constitutional changes.

Questioned regarding the shape of direct action, he disclosed that a small but influential minority had suggested an alternative to direct action in the Subjects Committee. That Committee would however, produce an agreed resolution.

The question of the interim Government at the centre or the allocation of portfolios was not discussed with the Cabinet Mission in their last interview.

The second session of the historic Panthic Conference opened on Monday at 11 a.m. with Jathedar Mohan Singh of the Akal Takht (acting as Stage Secretary) conducting the proceedings of the conference in the presence of Guru Granth Sahib. An enthusiastic crowd listened to the main resolutions and the speeches of Sikh leaders with rapt attention through loudspeakers fitted outside the office of the S.G.P.C.

Another very important feature of that day's session was that even Congress Sikhs who had for some reasons kept away from yesterday's session of the conference came in at about 12 noon headed by the President Amritsar District Congress Committee (Rural), Sardar Darshan Singh Pheruman, and Giani Gurmukh Singh Musafir.

The main resolution condemning the British Cabinet Mission's proposals, moved by Sardar Ujjal, Singh and seconded by Giani Kartar Singh, M.L.A. was passed unanimously. The resolution is as follows :

"This representative gathering of Sikhs assembled in Amritsar has given anxious and earnest consideration to the recommendations of the Cabinet Mission read with subsequent elucidation and is of the opinion that these recommendations will perpetuate the slavery of the country rather than promote the independence of India.

"The recommendations are particularly unjust to Sikhs regard being had *inter alia* to the matters specified here under:

(a) That the Cabinet Mission while recognising that the establishment of Pakistan would in particular effect adversely the position of Sikhs have yet by compulsory grouping of provinces made recommendations which in the words of Lord Pethick-Sawrence, Secretary of State for India, "make it possible for Muslims to secure all the advantages of Pakistan without incurring the danger inherent in it."

(b) That the Cabinet Mission while admitting that the cultural, political and social life of Muslims might become submerged in a purely unitary India in which Hindus with their greatly superior numbers must be a dominant element—and this in spite of the fact that Muslims are 9 crores in population and constitute a majority in several provinces of India—have deliberately blinded themselves to the same danger to a greater degree to Sikhs under Muslim domination which is thought to be aggravated by the proposed constitution. Needless to add that even under the existing constitution Sikhs have been reduced to a position of complete helplessness which had already exasperated them to the verge of revolt.

(c) That while admitting that the Punjab is the "homeland" of Sikhs the Cabinet Mission has by its recommendations liquidated the position of Sikhs in their homeland.

(d) That the Advisory Committee set up in Paragraph 20 of the Cabinet Mission's statement is wholly ineffective to safeguard the just rights of Sikhs.

(e) That while the Cabinet Mission made provisions for the protection of the rights and interests of Hindus and Muslims on major communal issues they have made no such provision for the protection of the rights and interests of Sikhs in the Union or the provincial sphere.

"Therefore this Panthic gathering, expresses strong condemnation of the recommendations of the Cabinet Mission and declares that they are wholly unacceptable to Sikhs. This gathering further affirms that no constitution will be acceptable to Sikhs which does not meet their just demands and is settled without their consent.

The second resolution which signifies that Sikhs are bound to give a tough fight to the British Government in case the proposals of the British Cabinet Mission are not modified according to their wishes and will continue the struggle until their demands are conceded appointed a Council of Action with the famous I.N.A. leader, Mr. Narinjan Singh Gill as "Dictator" and giving him powers to nominate six other members. The resolution runs as follows :

"Resolved that a Council of Action be constituted with Mr. Narinjan Singh as head. He is further empowered to nominate the personnel of the Council up to a total maximum of 7 members including himself."

The third resolution stated: ' This Panthic gathering appoints a Pratinidhi (representative) Panthic Board of the following persons:

Master Tara Singh, Mr. Narinjan Singh of the I.N.A. S. B. Principal Jodh Singh of Khalsa College, Sardar Baldev Singh. Development Minister, Punjab. Jathedar Udham Singh Nagoke, M.L.A. Sardar Sarmukh Singh Chamak, President Ramgarhia Federation, Saint Nidhan Singh Alam of the Namdhari Darbar, Giani Kartar Singh. M.L.A., Bawa Harkishan Singh, Principal, Khalsa College, Gujranwala, Babu Labh Singh, President, S.A. Dal, Giani, Gurmukh Singh Musafir, member, Working Committee P. P. Congress Committee, Sardar Basant Singh Moga Colonel Raghbir Singh, a former Minister of Patiala, a representative of the Chief Khalsa Diwan, a representative of Nirmala Sikhs, a representative of Nihang Sikhs: the Board to have power to coopt to a total strength of 25 members. This Committee will work for panthic solidarity and will explore all avenues for realisation of the Sikh objective.

The fourth resolution laid down procedure for collection of funds and lodging a vigorous protest against the proposals of the British Cabinet Mission. It stated :

"This Conference requests all Panthic Jathas and Singh Sabhas to arrange in all Gurdwaras the Bhog of Guru Granth Sahib whether Akhand Path or otherwise in all sacred places and shrines on Sunday, June 23, and after

prayers to Almighty to protect Sikhs at this critical stage and enable them to come out successful through this crisis by making sacrifices and by remaining united.

"Besides at these Diwans appeals should be made to Sikhs to contribute their mite, i.e., a minimum of Re. 1 per head. According to this programme collections will be made from all Sikhs. Keeping in view the difficult times ahead of us this Conference thinks it necessary to appeal to Sikhs to create perfect unity in their ranks.

"For this purpose in every village and town a Khalsa Council of five Sikhs should be established which should settle disputes between Sikhs and achieve unity and thus enable them to fight the coming danger with their full strength."

The following is the text of the resolution passed by the Panthic Board on June 22, 1946, in calling upon Sardar Baldev Singh not to join the interim Government :—

"This meeting of the Pratinidhi Panthic Board, after giving careful and anxious consideration to the invitation extended to the Hon'ble Sardar Baldev Singh by His Excellency the Viceroy to join the interim Government as a representative of the Sikh community, unanimously resolves as under :

- (a) That in view of the decision of the Panthic gathering of June 9 and 10, held at Amritsar, totally rejecting the Cabinet Mission's proposals as being unjust and gravely detrimental to the interests of the Sikhs and in view of the fact that participation in the Interim Government involves the acceptance of these very proposals, the Panthic Board cannot advise any Sikh to serve on the Interim Government on the present basis ;
- (b) That the Panthic Board has been constrained to arrive at this decision on account of the callous

and indifferent attitude shown by the powers that be to the deep and universal feelings of resentment and pain prevalent throughout the Sikh community at the complete lack of response to the Sikh cry for justice. Even the *minimum* provision of safeguards for the protection of legitimate rights, which can induce an honourable community to participate in consultations and discussions, has not been so far made available to the Sikhs, while it has been granted in a rich measure to the other two main communities in spite of their numbers and advantageous position'.

MAHATMA GANDHI'S VIEWS

The Best Document—1

After four days of searching examination of the State paper issued by the Cabinet Mission and the Viceroy on behalf of the British Government, my conviction abides that it is the best document the British Government could have produced in the circumstances. It reflects our weakness, if we would be good enough to see it. The Congress and the Muslim League did not, could not agree. We would grievously err, if at this time, we foolishly satisfy ourselves that the differences are a British creation. The Mission have not come all the way from England to exploit them. They have come to devise the easiest and quickest method of ending British rule. We must be brave enough to believe their declaration until the contrary is proved. Bravery thrives upon the deceit of the deceiver.

My compliment, however, does not mean that what is best from the British standpoint is also best or even good from the Indian. Their best may possibly be harmful. My meaning will, I hope, be clear from what follows.

The authors of the document have endeavoured to say fully what they mean. They have gathered from their talks the minimum they thought would bring parties together for framing India's charter of freedom. Their one purpose is to end British rule as early as may be. They would do so, if they could, by their effort, leave a united India not torn asunder by internecine quarrel bordering on civil war. They would leave in any case. Since in Simla the two parties could not come to an agreement, the Mission succeeded in bringing them together at the conference table (with what patience and skill they could do so they alone could tell). Nothing daunted them, they descended to the plains of India and devised a worthy document for the purpose of setting up the Constituent Assembly which should frame India's

charter of independence free of any British control or influence. It is an appeal and an advice. It has no compulsion in it. Thus the Provincial Assemblies may or may not elect the delegates. The delegates having been elected may or may not join the Constituent Assembly. The Assembly having met may lay down a procedure different from the one laid down in the statement. Whatever is binding on any person or party arises out of necessity of the situation. The separate voting is binding on both the major parties, only because it is necessary for the existence of the Assembly and in no otherwise. At the time of writing I took up the statement, re-read it clause by clause and came to the conclusion that there was nothing in it binding in law. Honour and necessity alone are the two binding forces.

What is binding is that part of it which commits the British Government. When I suppose the four members of the British Mission took the precaution of receiving full approval of the British Government and the two Houses of Parliament, the Mission are entitled to warm congratulations for the first step in the act of renunciation which the statement is. Since other steps are necessary for full renunciation, I have called this one a promissory note.

Though the response to be made by India is to be voluntary, the author have naturally assumed that the Indian parties are well organized and responsible bodies capable of doing voluntary acts as fully as, if not more fully than, compulsory acts. Therefore, when Lord Pethick-Lawrence said to a Press correspondent "if they do come together on that basis it will mean that they will have accepted that basis but they can still change it if by a majority of each party they desire to do so," he was right in the sense that those who became delegates well knowing the contents of the statement were expected by the authors to abide by the basis unless it was duly altered by the major parties. When two or more rival parties meet together they do so under some understanding. A self-chosen umpire (in the absence of one chosen by the parties the authors constitute themselves one) fancies that

the parties will come together only if he presents them with a proposal, containing a certain minimum and he makes his proposal leaving them free to add to, subtract from or altogether change it by joint agreement.

This is perfect so far. But what about the units? Are the Sikhs, for whom the Punjab is the only home in India, to consider themselves against their will as part of the section which takes in Sind, Baluchistan and the Frontier Province? Or is the Frontier Province also against its will to belong to the Punjab called "B" in the statement, or Assam to "C" although it is predominantly non-Muslim province? In my opinion the voluntary character of the statement demands that the liberty of individual units should be unimpaired. Any member of the sections is free to join it. The freedom to opt out is an additional safeguard. It can never be a substitute for the freedom retained in Para 15 which reads:—"Provinces should be free to form groups with executives and legislatures and each group could determine the provincial subjects to be taken in common."

It is clear that this freedom was not taken away by the authors by Para 19 which 'proposes' (does not order) what should be done. It presupposes that the chairman of the Constituent Assembly at its first meeting will ask the delegates of the provinces whether they would accept the group principle and if they do, whether they will accept the assignment given to their province. This freedom inherent in every province and that given by Para 15 (5) will remain intact. There appears to be no other way of avoiding the apparent conflict between the two paragraphs as also the charge of compulsion which would immediately alter the noble character of the document. I would, therefore, ask all those who are perturbed by the group proposal and the arbitrary assignment, that, if my interpretation is valid there is not the slightest cause for perturbation.

There are other things in the document which would puzzle any hasty reader who forgets that it is simply an appeal and an advice to the nation showing how to achieve

independence in the shortest time possible. The reason is clear. In the new world that is to emerge out of the present chaos, India in bondage will cease to be the brightest jewel in the British crown, it will become the blackest spot in that crown, so black that it will be fit only for the dustbin. Let me ask the reader to hope and pray with me that the British crown has a better use for Britain and the world. The brightest jewel is an arrogation. When the promissory note is fully honoured the British crown will have a unique jewel as of right flowing from due performance of duty.

There are other matters outside the statement which are required to back the promissory note. But I must defer that examination to the next issue of 'Harijan.'

inherent essential Vital Defects—2 *ایسی ذاتی ضروریات*

Intrinsically and as legally interpreted, the State Paper seems to me to be a brave and frank document. Nevertheless, the official interpretation would appear to be different from the popular. If it is so and prevails it will be a bad omen. During the long course of the history of British rule in India, the official interpretation has held sway. And, it has been enforced. I have not hesitated before now to say that the office of the lawgiver, judge and executioner is combined in one person in India. Is not the State Document a departure from the imperialistic tradition? I have answered 'yes'.

Be that as it may. Let us try to glance at the shortcomings.

The Delegation, after a brief spell in Simla, returned to Delhi on the 14th instant, issued their statement on the 16th, and yet we are far from the popular government at the Centre. One would have thought that they would have formed the Central Government before issuing the Statement. But they issued the Statement first and then set about the search for the formation of the Interim Government. It is taking a long time coming, whilst the millions are starving for want of food and clothing. This is defect No. 1.

The question of paramountcy is unsolved. It is not enough to say that paramountcy will end with the end of British rule in India. If it persists without check during the interim period, it will leave behind a difficult legacy for the independent Government. If it cannot be ended with the establishment of the Interim Government, it should be exercised in co-operation with it and purely for the benefit of the people of the States. It is the people who want and are fighting for independence, not the Princes, who are sustained by the alien power even when they claim not to be its creation for the suppression of the liberties of the people. The Princes, if they are true to their professions, should welcome this popular use of paramountcy so as to accommodate themselves to the Sovereignty of the people envisaged under the new scheme. This is defect No. 2.

Troops, it is declared, are to remain during the interim period for the preservation of internal peace and protection against external aggression. If they are kept for such use during the period of grace, their presence will act as a damper on the Constituent Assembly and is more likely than not to be wanted even after the establishment of independence so-called. A nation that desires alien troops for its safety, internal or external, or has them imposed upon it, can never be described as independent in any sense of the term. It is an effete nation unfit for self-government. The acid test is that it should be able to stand alone, erect and unbending. During the interim period we must learn to hop unaided, if we are to walk when we are free. We must cease from now to be spoon-fed.

That these things are not happening as we would wish is to be accounted as our weakness, be the causes whatever they be, not the cussedness of the British Government or their people. Whatever we get, will be our deserts, not a gift from across the seas. The three ministers have come to do what they have declared. It will be time to blame them when they go back upon the British declarations and devise ways and means of perpetuating British rule. Though there is ground for fear, there is no sign on the horizon that they have said one thing and meant another.

The European Vote—3

No less a person than the President of the European Association has exhibited the lion's paw. That seems to be the naked truth. That the Europeans will neither vote nor offer themselves for election should be a certainty, if a Constituent Assembly worthy of the name is at all to be formed. The British power in India has four arms—the official military, the official civil, the unofficial civil and the unofficial military. So when the ruling class speaks of the unofficial European as not being under their control, it is nonsense. The official exists for the unofficial. The former would have no work if the latter did not exist. The British gunboat came in the wake of British commerce. The whole of India is an occupied country. We have to examine in this light the exploits of the European President. In the intoxication of power he does not seem to have taken the trouble to ascertain whether the State Paper has provided for the legal power for his community to vote or be voted for in the proposed Constituent Assembly. For his and his constituents' edification I have secured the opinion from the leader of the Bar in Delhi. It will be found in these columns.

Did, the President condescend to inquire of the Mission what his moral and legal position was? Or, did he hold them cheap because he represented the real Imperialism which the Cabinet Mission and the Viceroy representing British Labour were struggling to discard?

It is the straw which shows the way the wind is blowing.

This unreasonable performance of the European Association is to my mind the greatest disturbing factor to shake the faith in the reality of the Mission's work. As the Mission come before its time? Will the gun-protected Europeans of India silence their guns and stake their fortunes Andrews-like, purely on the good will of the masses of India? Or, do they expect in their generation to continue the imposition of foreign rule on India?

How can they say, they 'are not intransigent'? The Statement reeks of intransigence. They have a loaded communal franchise, glaringly in Bengal and Assam. What right had they to be in the Assemblies at all? What part have they played in the two Assemblies save to embarrass the people of Bengal and Assam by dividing the communities? This 'load' was not imposed upon them. It would have redounded to their honour if they had repudiated it. Instead, they welcomed the 'white man's burden.' And even now, at the hour of the dawn, they would graciously contribute to constitution-making!!! Not everyone who says 'I am not intransigent' is really so; he only is who says, nothing but lets his deeds eloquently speak for themselves.

They have been made to look so foolish in their latest statement as to say that they would refrain from voting for themselves but would use their vote for electing their henchmen wearing the Indian skin! They would, if they could, repeat the trick which has enabled them, a handful, to strangle the dumb millions of India. How long will this agony last! Do the Mission propose to bolster up this unholy ambition and yet expect to put to sea the frail barque of their Constituent Assembly? Indians cannot perform the obvious duty of the Mission for them.

LEGAL OPINION AGAINST EUROPEANS VOTING FOR CONSTITUENT ASSEMBLY

Mr. Pyarelal has released to the Press the legal opinion sent to Gandhiji by Mr. K. M. Munshi in connection with the right of the Europeans to vote for or stand as candidates for the proposed Constituent Assembly. The following is the text:—

Whether the Europeans who are foreigners and non-nationals are under the terms of the Cabinet Mission's statement entitled to vote at the election of; or stand as candidates for the election of members for the proposed Constituent Assembly.

The Cabinet Mission came to India for purposes defined in the announcement made in the Parliament by the British Prime Minister on behalf of His Majesty's Government on March 15. The relevant words of the said announcement are as following: "My colleagues are going to India with the intention of using their utmost endeavours to help her to attain her freedom as speedily and fully as possible. What form the Government is to replace the present regime is for India to decide; but our desire is to help her to set up forthwith the machinery for making that decision."

In the said announcement the British Prime Minister expressed a wish that 'India and her people' may elect to remain within the British Commonwealth after the new constitution is framed.

The word 'India' in the said announcement can only be construed as meaning Indians. This is made clear by the statement issued by the Mission on May 16 (hereafter referred to as the "Statement").

In paragraph III it is stated: We have accordingly decided that immediate arrangements should be made whereby Indians may decide the future constitution of India.

The said words in paragraph III only amplify the intention contained in the British Prime Minister's announcement and indicate that the word India used therein refers to Indians as the only persons who will frame the new constitution.

This view is supported by paragraph 24 of the Statement which among other things says: 'We and our Government and countymen hoped that it would be possible for the Indian people themselves to agree upon the method of framing the new constitution under which they will live.'

In the last portion of the Statement the Mission further state: 'We hope in any event that you (Indian

will remain in close and friendly association with 'our people. But these are matters for your own free choice.'

The British subjects who are in the country as non-national Britishers are clearly included in 'our people' and 'countrymen' and as different from 'they' (Indians) and 'the Indian people.'

Paragraph 18 of the Statement provides for the machinery for forming the Constituent Assembly and the principles and methods to be followed for election of the members thereof. Sub-clause (b) of the said paragraph provides that the provincial allocation of seats has to be divided between 'the main communities in each Province in proportion to their population.' Clause (c) makes a provision that the representatives allotted to each community in a province shall be elected by the members of that community in its Legislative Assembly." For the purpose of the Constituent Assembly the paragraph recognizes three main communities of Indians, namely, the General, Muslim and Sikh. The words to wit 'We, therefore, propose that there shall be elected by each Provincial Legislative Assembly,' in paragraph 19 (i) mean the same things as representatives allotted to each of these communities.

The General Community is deemed to include persons who are neither Muslims nor Sikhs. It is to consist of Hindus, and other groups of persons referred to therein as 'smaller minorities.' The word 'smaller' as qualifying the word 'minority' has been used in contrast set in to Muslims and Sikhs who are classified as major communities only because a new artificial group called General Community consisting of the majority, viz., the Hindus and the smaller minorities has to be formed.

The question, therefore, is whether the European non-nationals are a smaller minority. The word 'minorities' is used in paragraph 19 sub-clause (iv) and in paragraph

20 both of which deal with the rights of citizens and rights of minorities.

The word 'minority' as used in constitutional treaties, enactments and documents means a group of nationals with distinct interests as against the interests of a larger group of nationals called the majority. But in all cases both such group are treated as always belonging to the same State having a common domicile and citizenship. The Treaty of June 28, 1919, by the Allied Powers made with Poland contain provisions relating to minorities which Poland undertook to recognize as its fundamental laws. The Articles of the Treaty have since then been recognized as a precedent for minority rights. Article 7 of the said Treaty provides that 'all Polish nationals shall be equal before the law' etc. Article 8 provides as follows: 'Polish nationals who belong to racial, religious, or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Polish national'. Similar provisions are included in the treaties concluded by the Allies with Czechoslovakia, Rumania, Bulgaria, Turkey, etc. (See *Wheaton's International Law*, P. 80.) Clearly, therefore, the word 'minorities' used in paragraphs 19 (iv) and 20 of the Statement in connection with rights of citizens and fundamental rights means national minorities.

It must not be forgotten that the doctrine of minorities and majorities among the nationals of a country is as old as the 'Federalist' and after the First World War found expression in the Weimar Constitution of Germany. In considering the rights of the minorities provided in the said Peace Treaties Mr. William Edward an eminent jurist on International Law, states in his work on International Law; that 'too much stress was laid on the rights of minorities while a corresponding duty incumbent by the said minority to co-operate loyally with other fellow citizens was hardly ever stressed'. The learned author at page 64 of his treatise refers to a resolution passed at the third Assembly of the League of Nations emphasizing the said duty of racial, linguistic minority in a state. (Hall's

International Law, 8th Edn., p. 64). 'A minority' in the statement, therefore, means a comparative smaller group of nationals of the State and not a group of nationals of another State living within the boundaries of the former.

The Joint Committee on Indian Constitutional Reform 1933-34 in its report on page 14 while dealing with the special responsibilities and powers of the Provincial Governors and the Governor-General also give the same meaning to the minorities in India. It is there stated that the authority of the Provincial Governors as also the Governor-General was interlinked with their responsibilities to the Crown and Parliament both for peace and tranquillity and 'for the protection of all the weak and helpless among her (India's) people. In paragraph 321 of the said report the committee while dealing with the Anglo-Indian community and the problem of their education makes a distinction between Europeans' and "domiciled Europeans." This clearly establishes that the joint Committee treated Europeans other than the Europeans domiciled in this country, as being non-nationals of India.

The representation to Europeans given in the various Provincial Legislatures under the Government of India Act 1935 and in prior Statutes is not a representation given to them as racial minority of India but as a vested interest existing in the country at the time of framing of a constitution which was admittedly not based on the principle of self-determination or on a recognition of Indians as being entitled to frame their own constitution.

That the Mission did not intend to depart from the accepted meaning of minorities is clear from paragraph 18 of their statement where they state that "the most satisfactory method of election to the Constituent Assembly would be the one based on adult franchise. Adult franchise in this clause can only mean a right exercisable by persons who are Indian citizens. But the procedure of granting adult franchise having been found by them to be impracticable the Mission adopts an alternative course. This again would lead to the conclusion that there was no intention to get the constitution framed by persons who are not Indian nationals, or citizen.

The word majority' and 'minority,' therefore, in my opinion, were used with reference to India or Indian people as used by the British Prime Minister in his said announcement and 'Indians' as used in the Mission's statement and do not include non-national residents in India. Any other view would conflict with the expressed intention to ask only Indians to frame their own constitution.

In my opinion, therefore, the words 'elected by each Provincial Assembly and 'by the smaller minorities' in paragraphs 18 and 19 must necessarily be construed as restricting the franchise to the Indian members of such Legislative Assembly inclusive of domiciled European who are Indian nationals, and cannot be extended to apply European British subjects not domiciled in India.

The words in paragraph 19 'elected by each Provincial Assembly may be argued to indicate a different meaning. But ex-concessis the election is not by the Provincial Assembly as such but by us members representing the three groups.

It follows also that the 'representatives on the Constituent Assembly' have to be Indians.

SOCIALIST LEADERS' STATEMENT*

The Indian people are facing a momentous decision which will finally determine the direction of their political effort in the present and immediate future. The Indian National Congress has shaped and directed this effort for over sixty years and it has evolved and established through many struggles the unalterable essentials of real freedom for the people of this land. Whatever decision we are called upon to make must be examined strictly in terms of the fundamentals of our nationalism:

1. Abolition of every vestige of foreign domination:
2. The political and economic unity of our people.
3. A growing equality in our political and economic relationships expressed through democratic forms of administration.
4. A common code of fundamental rights, establishing a uniform and equal status for every citizen in political, social and economic spheres, overriding religious or regional differences.

Should we hold fast to those fundamentals, refusing to whittle down our essential demands and count no cost too great? Such a decision may lead us once again into conflict with the powers that are with all that follows in the wake of the conflict.

Or should we in the alternative accept to work along with parties and persons who have heretofore opposed us at every step in spirit of co-operation and compromise.—

* Text of a statement issued by Socialist leaders: Jay Parkash Narain, Achyut Patwardhan, Ram Manohar Lohia and Mrs. Aruna Asaf Ali.

We are at the cross road and whatever decisions we take on the British Cabinet Mission's proposals must be determined by the essentials which have sustained us in every crisis during the past.

Complete independence is only an expression unless it means the end of British domination, direct or indirect. This demands the withdrawal of British troops even before the meeting of the Constituent Assembly as it must possess sovereign status. It is equally necessary to eliminate the British capitalist interests who act either on their own or in alliance with Indian capitalists and even by destiny for over a country.

Similarly, the powers exercised by the Viceroy, both as the Governor-General and as the Crown Representative, must end in the interim period itself, if a free India is to emerge out of the present deliberations. The absence of primary civil liberties in the states and their violation by the princes during this period of transition would defeat our very objective.

In the second place, we want to found our freedom on national unity and democracy. Any compromise which we are called upon to make must always be subjected to a single test. Do they consolidate our unity?

A Central Government cannot establish unity in any state in the world of to-day by its control over foreign policy and defence alone. Foreign policy may be defeated by the lack of cohesiveness and solidarity in relation to foreign trade and economic relationships. These, along with planning, must be recognised as the irreducible minimum of effective Central authority. It would be futile to create a Central Government that presides over its own ineffectiveness by lack of sufficient authority.

The compulsory grouping of provinces opens the door to the exercise of backdoor influence in Indian economic life by British monopolist interests, which the Central authority would be powerless to resist.

The substance of independence is shaped by the forces in democracy within the new state. When its foundations are being laid in a totally undemocratic fashion, independence must remain a mirage. We cannot forget that hundreds of Congressmen were still in jail when the present legislatures were created by the electors, tampering with the electorate in the Muslim constituencies in more than one province. These legislatures are, therefore, not all representative of the real forces of Indian nationalism. A constituent assembly elected out of them would merely caricature democracy.

The British Government has not approached its self-chosen duty with honesty of purpose or directness of effort. They have thus further encouraged the forces of disruption by refusing to demand from the Princes a clear and uniform charter of civil rights here and now. This single instance would suffice to throw light on their motive. The Labour Government has proved that socialism at home does not mean liquidation of imperialism abroad.

The proposal of compulsory grouping denies the autonomy of provinces and thereby removes the keystone from the constitutional arch.

Under these circumstances any participation in their plans can only lead to further disruption of our national forces. The Congress must reject these proposals and refuse to elect members to such a constituent assembly and move forward to the convening of a constituent assembly directly elected by the adult men and women of India.

India will have to wait for many decades if we were to depend upon British co-operation or goodwill for attaining our freedom. It will arise out of our own unaided effort to build up from below the peoples' constituent authority. Let every village and every mohalla of our towns seek to build its own parallel authority. Let it strive to assume authority over its own affairs and seek to act as a sovereign free state in India.

The Hindustan of our desire shall have no place for a soldier who is not our national, none for capital which we do not dispose of as we will and it will grow with the glory of its improving free men as one and united. Constitutional devices are here of little avail. A new state must be born. To create this state of free India the unreatreating strength of our people is our sole weapon and the Indian National Congress its edge and point. So onwards to this final spurt of creative action, of work and organisation that will steel up our people and their Congress into a force irresistible like the elements.

INTERIM GOVERNMENT PLAN

Cabinet Delegation and Viceroy's Statement*

His Excellency the Viceroy, in consultation with the members of the Cabinet Mission, has for some time been exploring the possibilities of forming a coalition Government drawn from the two major parties and certain of the minorities. The discussions have revealed the difficulties which exist for the two major parties in arriving at an agreed basis for the formation of such a Government.

The Viceroy and the Cabinet Mission appreciate these difficulties and the efforts which the two parties have made to meet them. They consider, however, that no useful purpose can be served by further prolonging these discussions. It is indeed urgently necessary that a strong and representative interim Government should be set up to conduct the very heavy and important business that has to be carried through.

The Viceroy is, therefore, issuing invitations to the following persons to serve as members of the Interim Government on the basis that the constitution-making will proceed in accordance with the statement of May 16 :—

1. Sardar Baldev Singh.
2. Sir N. P. Engineer.
3. Mr. Jag Jivan Ram.
4. Pandit Jawaharlal Nehru.
5. Mr. M. A. Jinnah.
6. Nawabzada Liaquat Ali Khan.

* Full text of the statement made by the Cabinet Delegation and His Excellency the Viceroy on June 16.

7. Mr. Hare Krishna Mahtab.
8. Dr. John Matthai.
9. Nawab Mohammed Ismail Khan.
10. Khawaja Sir Nazimuddin.
11. Sardar Abdur Rab Nishtar.
12. Mr. C. Rajagopalachari.
13. Dr. Rajendra Prasad.
14. Sardar Vallabhbhai Patel.

If any of these invited is unable, for personal reasons to accept, the Viceroy will, after consultation, invite some other person in his place.

The Viceroy will arrange the distribution of portfolios in consultation with the leaders of the two major parties.

The above composition of the interim Government is in no way to be taken as a precedent for the solution of any other communal question. It is an expedient put forward to solve the present difficulty only, and to obtain the best available Coalition Government.

The Viceroy and the Cabinet Mission believe that Indians of all communities desire to arrive at a speedy settlement of this matter, so that the process of constitution-making can go forward and that the Government of India may be carried on as efficiently as possibly in the meantime.

They therefore, hope that all parties, especially the two major parties, will accept this proposal so as to overcome the present obstacles, and will co-operate for the successful working of the same. The Viceroy will aim at inaugurating the interim Government about the 26th June.

In the event of the two major parties or either of them proving unwilling to join in the setting up of a Coalition

Government on the above lines, it is the intention of the Viceroy to proceed with the formation of the interim Government which will be as representative as possible of those willing to accept the statement of May 16.

The Viceroy is also directing the Governors of the provinces to summon the Provincial Legislative Assemblies forthwith to proceed with the elections necessary for the constitution-making machinery as put forward in the statement of May 16:—

CONGRESS WORKING COMMITTEE'S RESOLUTION*

" On May 24th, the Working Committee passed a resolution on the statement dated May 16 issued by the British Cabinet delegation and the Viceroy. In this resolution, they pointed out some defects in the statement and gave their own interpretation of certain parts of it.

Since then the Committee have been continuously engaged in giving earnest consideration to the proposals made on behalf of the British Government in the statements of May 16 and June 16 and have considered the correspondence in regard to them between the Congress President and the members of the Cabinet delegation and the Viceroy.

The Committee have examined both these sets of proposals from the point of view of the Congress objective of immediate independence and the opening out of the avenues leading to the rapid advance of the masses, economically and socially, so that their material standards may be raised and poverty, malnutrition, famine and the lack of the necessities of life may be ended and all the people of the country may have the freedom and opportunity to grow and develop according to their genius.

These proposals fall short of these objective. Yet the Committee considered them dispassionately in all their

* Full text of the resolution passed by the Congress Working Committee on the Cabinet Mission's proposal :—

aspects because of their desire to find some way for the peaceful settlement of India's problem and the ending of the conflict between India and England.

The kind of independence Congress has aimed at is the establishment of a united, democratic Indian federation, with a Central authority, which would command respect from the nations of the world, maximum Provincial Autonomy and equal rights for all men and women in the country. The limitation of the Central authority as contained in the proposals, as well as the system of grouping of provinces, weakens the whole structure and was unfair to some provinces such as the N. W. F. Province and Assam, and to some of the minorities, notably the Sikhs.

The Committee disapproved of this. They felt, however that, taking the proposals as a whole, there was sufficient scope for enlarging and strengthening the Central authority and for fully ensuring the right of a province to act according to its choice in regard to grouping, and to give protection to such minorities as might otherwise be placed at a disadvantage.

Certain other objections were also raised on their behalf, notably the possibility of non-nationals taking any part in the constitution-making. It is clear that it would be a breach of both the letter and spirit of the statement of May 16 if any non-Indian participated in voting or stands for election to the Constituent Assembly.

In the proposals for an interim Government contained in the statement of June 16 the defects related to matters of vital concern to the Congress. Some of these have been pointed out in the letter dated June 29 of the Congress President to the Viceroy.* The provisional Government must have power and authority and responsibility and should function in fact, if not in law, as a 'de facto' independent Government, leading to the full independence to come. The members of such a Government can only hold themselves responsible to the people

* The text of the letter is given on the next page.

and not to any external authority. In the formation of a provisional or other Government, Congressmen can never give up the national character of the Congress, or accept an artificial and unjust parity, or agree to the veto of a communal group. The Committee are unable to accept the proposals for the formation of an interim Government as contained in the statement of June 16.

The Committee have however, decided that the Congress should join the proposed Constituent Assembly, with a view to framing the constitution of a free, united and democratic India.

While the Committee have agreed to Congress participation in the Constituent Assembly, it is, in their opinion, essential that a representative and responsible provisional National Government be formed at the earliest possible date. A continuation of authoritarian and unrepresentative Government can only add to the suffering of famishing masses and increased discontent. It will also put in jeopardy the work of the Constituent Assembly, which can only function in a free environment.

The Working Committee recommend, accordingly, to the All-India Congress Committee, and for the purpose of considering and ratifying this recommendation they convene as emergent meeting of the A. I. C. C. in Bombay on July 6 and 7, 1946.

CONGRESS PRESIDENT'S LETTER TO VICEROY

The following is the full text of the letter which the Congress President, Maulana Abul Kalam Azad, wrote to Lord Wavell intimating the Congress Working Committee's rejection of the short-term interim proposal and accepting the long-term plan.

2, Akbar Road,

New Delhi.

25th June 1946.

Dear Lord Wavell,

Ever since the receipt of your statement of June 16th, my Committee have been considering it from day-to-day

and have given long and anxious thought to your proposals and to the invitations you have issued to individuals to form the provisional National Government because of our desire to find some way out of the present most unsatisfactory situation.

We have tried our utmost to appreciate your approach and viewpoint. In the course of our conversations we have already pointed out to you our difficulties. Unfortunately these difficulties have been increased by the recent correspondence.

The Congress, as you are aware, is a national organisation including in its fold the members of all religions and communities in India. For more than half a century it has laboured for the freedom of India and for equal rights for all Indians. The link that has brought all these various groups and communities together within the fold of the Congress is the passionate desire for national independence, economic advance and social equality. It is from this point of view that we have to judge every proposal. We hoped that a provisional National Government would be formed which would give effect, in practice, to this independence. Appreciating some of your difficulties, we did not press for any statutory change introducing independence immediately, but we did expect a 'de facto' change in the character of the Government making for independence in action. The status and powers of the Provisional Government were thus important. In our view this was going to be something entirely different from the Viceroy's Executive Council. It was to represent a new outlook, new methods of work and a new psychological approach by India to both domestic and external problems. Your letter, dated 30th May 1946, gave us certain assurances about the status and powers of the Provisional Government. These did not go far enough, according to our thinking, but we appreciated the friendly tone of that letter and decided to accept the assurance and not to press this particular matter any further.

The important question of the composition of the Provisional Government remained. In this connection we em-

phasised that we could not accept anything in the nature of "parity" even as a temporary expedient and pointed out that the provisional Government should consist of 15 members to enable the administration of the country to be represented in it. Some mention of names was made and on our part suggestions were put before you informally, including the name of a non-League Muslim.

In your statement of June 16th some of the names suggested came as a surprise to us. Several changes had been made from the provisional list prepared by the Congress. The manner of preparing your list and presenting it as an accomplished fact seemed to us to indicate a wrong approach to the problem. One of the names included had not been previously mentioned at all and was that of a person holding an official position and not known to be associated with any public activity. We have no personal objection to him, but we think that the inclusion of such a name, particularly without any previous reference or consultation, was undesirable and indicated a wrong approach to the problem.

Then again a name from our list was excluded and in his place another of our colleagues was put in but as you have said that this can be rectified, I need not say more about it.

One outstanding feature of this list was the non-inclusion of any nationalist Muslim. We felt that this was a grave omission. We wanted to suggest the name of a Muslim to take the place of one of the Congress names on the list. We felt that no one could possibly object to our changing the name of one of our own men. Indeed when I had drawn your attention to the fact that among the Muslim League nominees was included the name of a person, who had actually lost in the recent elections in the Frontier Province and whose name, we felt, had been placed there for political reasons, you wrote to me as follows; "I am afraid that I cannot accept the right of the Congress to object to names put forward by the Muslim League, any more than I would accept similar objection from the other side. The test must be that of ability." But before we could make

our suggestion I received your letter of the 2nd June which surprised us greatly. You had written this letter on the basis of some press reports. You told us that the Cabinet Mission and you were not prepared to accept a request for the inclusion of a Muslim chosen by the Congress among the representatives of the Congress in the interim Government. This seemed to us an extraordinary decision.

It was in direct opposition to your own statement quoted above. It meant that the Congress could not freely choose even its own nominees. The fact that this was not to be taken as a precedent made hardly any difference. Even a temporary departure from such a vital principle could not be accepted by us at any time or place and in any circumstance.

In your letter of the 20th June you gave certain questions framed by Mr. Jinnah in his letter of 10th June and your replies to them. We have not seen Mr. Jinnah's letter. In question 3 reference is made to "representation of the four minorities the scheduled castes, the Sikhs, the Indian Christians and the Parsees, and it is asked as to "who will fill in vacancies caused in these groups, and whether in filling up the vacancies the leader of the Muslim League will be consulted and his consent obtained."

In your answer you say : "It any vacancy occurs among the seats at present allotted to the representatives of the minorities. I shall naturally consult both the main parties before filling it." Mr. Jinnah has thus included the scheduled castes among the minorities and presumably you have agreed with this view. So far as we are concerned we repudiate this view and consider the scheduled castes as integral part of Hindu society. You also, in your letter of June 15, treated the scheduled castes as Hindus.

You pointed out that in your proposal there was no "parity" either between Hindus and Muslims or between the Congress and the Muslim League inasmuch as there were to be six Hindus belonging to the Congress as against five Muslims belonging to the League ; one of the six Hindus belonged to the scheduled castes. We are in any case not

agreeable to the leader of a party, which claims to represent a community which is a minority interfering with the election of names either of the scheduled castes whose representation you counted as failing which the Congress quota, or with the selection of representation of the minorities mentioned.

In question 4 the scheduled castes are again referred to as a minority and it is not stated whether the proportion of members of the Government community-wise as provided in the proposals will be maintained. Your answer is that the proportion will not be changed without agreement of the two major parties. Here again one communal group functioning admittedly as such is given a power to vote changes in other groups with which it has no concern. We may desire if opportunity offers itself to increase the representation of the scheduled castes or to give representation when it is possible, to another minority, for example, Anglo-Indians. All this would depend on the consent of the Muslim League. We cannot agree to this. We may add that your answers restrict the Congress representation to caste Hindus and make it equal to that of the League.

Finally, you state in answer to question 5 that no decision of a major communal issue could be taken by the interim Government if the majority of either of the main parties were opposed to it. You further say that you had pointed this out to the Congress President and he agreed that the Congress appreciated this point. In this connection I desire to point out that we had accepted this principle for the long-term arrangement in the Union Legislature and it could possibly be applied to the provisional Government if it was responsible to the Legislature and was composed of representatives on the population basis of major communities. It could not be applied to the provisional Government formed on a different basis altogether. It was pointed out by us in my letter of the 13th June 1946 that it would make administration impossible and deadlocks a certainty.

Even in the question as framed by Mr. Jinnah it is stated that "in view of the substitution of 14 now proposed for the original 12 no major communal issues should be decided

if the majority of the Muslim members are opposed to it" Thus this question arose after the substitution of 14 for 12 i.e., after your statement of June 16. In this statement no mention was made of the rule. This very important change has been introduced, almost casually and certainly without our consent. This again gives the power of veto or obstruction to the Muslim League in the provisional Government.

We have stated above our objections to your proposals of June 16th as well as to your answers to the questions framed by Mr. Jinnah. These defects are grave and would render the working of the provisional Government difficult and deadlocks a certainty. In the circumstances your proposals cannot fulfil the immediate requirements of the situation or further the cause we hold dear.

My Committee have, therefore, reluctantly come to the conclusion that they are unable to assist you in forming a provisional Government as proposed in your statement of June 16th, 1946.

With regard to the proposals made in the statement of May 16th, relating to the formation and functioning of the constitution making body, the Working Committee of the Congress passed a resolution on the 24th May 1946, and conversations and correspondence have taken place between Your Excellency and the Cabinet Mission on one side and myself and some of my colleagues on the other. In these we have pointed out what in our opinion were the defects in the proposals. We also gave our interpretation of some of the provisions of the statement. While adhering to our views, we accept your proposals and are prepared to work them with a view to achieving our objective. We would add however that the successful working of the Constituent Assembly will largely depend on the formation of a satisfactory provisional Government.

(Sd.) ABUL KALAM AZAD

CABINET MISSION AND VICEROY'S STATEMENT

Following is the full text of the final statement issued by the Cabinet Mission and H.E. the Viceroy :—

"The Cabinet Mission and the Viceroy are glad that constitution-making can now proceed with the consent of the two major parties and of the States. They welcome the statements made to them by the leaders of the Congress and the Muslim League that it is their intention to try and work in the Constituent Assembly so as to make it effective means of devising the new constitutional arrangements under which India can achieve her independence. They are sure that the members of the Constituent Assembly, who are about to be elected, will work in this spirit.

"The Cabinet Mission and the Viceroy regret that it has not so far proved possible to form an interim coalition Government, but they are determined that the effort should be renewed in accordance with the terms of paragraph 8 of their statement of June 16.

"Owing, however, to the very heavy burden which has been cast upon the Viceroy and the representatives of the parties during the last three months, it is proposed that the further negotiations should be adjourned for a short interval during the time, while the elections for the Constituent Assembly will be taking place. It is hoped that when the discussions are resumed the leaders of the two major parties, who have all expressed their agreement with the Viceroy and the Cabinet Mission on the need for the speedy formation of a representative interim Government will do their utmost to arrive at an agreement upon the composition of that Government.

"As the Government of India must be carried on until a new interim Government can be formed, it is the intention

of the Viceroy to set up a temporary care-taker Government of officials.

" It is not possible for the Cabinet Mission to remain longer in India as they must return to report to the British Cabinet and Parliament and also to resume their work from which they have been absent for over three months. They therefore, propose to leave India on Saturday next, June 1. In leaving India the members of the Cabinet Mission express their cordial thanks for the courtesy and consideration which they have received as guests in the country and they most sincerely trust that the steps which have been initiated will lead to a speedy realisation of the hopes and wishes of the Indian people. "

Section 93 at the Centre is the unprecedented step decided upon by the Cabinet Mission and the Viceroy as a temporary expedient to get out of the difficulties created by their own way to encourage the League as against the Congress.

Already the Viceroy has been carrying on Finance and Home portfolios with the help of Indian Civil Service and Indian Secretaries. That is being done for all departments of the Government of India and some senior secretaries may be taken in the Executive Council (Sir Akbar Hydari is already there running two departments.)

According to observers it is clear that the League is not getting what it wanted, i. e., sole control of the Government of India without the Congress. But to soothe injured feelings it is being told that negotiations have been suspended for five days to give rest to the tired members of the Mission, the Viceroy and the political parties.

The real fact, however, is that the British Government want time to consider and evolve a solution out of the impasse created by bungling at high quarters in New Delhi resulting in Congress rejection and League acceptance of the interim plan. But it is realised that the Central Government cannot function as one party and that too as a minority Government.

